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ZONING NEW YORK CITY

A PROPOSAL FOR A
ZONING RESOLUTION

for the

CITY OF NEW YORK

submitted to the

CITY PLANNING COMMISSION

by

VOORHEES WALKER SMITH & SMITH
AUGUST, 1958

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PROPOSAL FOR A ZONING RESOLUTION
CITY OF NEW YORK - 2201

Mr. James Felt, Chairman
City Planning Commission of the
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2 Lafayette Street
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Dear Mr. Felt:

The following documents, transmitted herewith, make up the final submission of our Proposal for a Zoning Resolution, City of New York, and are in accordance with the terms of the Contract between Voorhees Walker Smith & Smith and the City of New York dated September 4, 1956, Contract No. 183,365:

1. One reproducible autopositive of each of the present thirty-five 600' scale City Map sheets. On these autopositives are drawn the proposed district designations and boundaries.
2. The Proposed Zoning Ordinance. Ahead of each section of the Proposed Ordinance is a descriptive report covering that section.
3. Summary, Proposal for a Zoning Resolution.

Very truly yours,

VOORHEES WALKER SMITH & SMITH

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Enclosures

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Acknowledgments

Many agencies and organizations have generously given assistance and cooperation to this project. Although responsibility for the recommendations in the report is that of the consultants alone, special recognition for data and advice is due the following:

City of New York:

Department of Air Pollution Control

Department of Buildings

Fire Department, Division of Fire Prevention

Police Department

Department of Public Works, Division of Sewage Disposal

Tax Department

New York City Housing Authority

Division of Industrial Hygiene,
New York State Department of Labor

Federal Housing Administration

Atomic Industrial Forum, Inc.

Consolidated Edison Company

Market Research Department, New York Daily News

Marketing Division, New York Journal American

Metropolitan Funeral Directors' Association, Inc.

New York City Petroleum Industries Committee

New York Metropolitan Region Study

New York Telephone Company

Port of New York Authority

Regional Plan Association

Preface — The Need for New Zoning

It is time for New York City to stop living in zoning's past. The price we pay for clinging to an obsolete zoning structure -- burdened by the weight of amendments it was never intended to support -- is already too high.

The price is too high in terms of overbuilding and congestion in some parts of the city while others are vacant and blighted.

The builder and architect pay too high a price for stereotyped designs enforced by regulations rigidly restricting the outer form but ineffectively dealing with the bulk and density they are intended to control.

The price is too high in terms of the conformity of housing types dictated by the economics of the present regulations, narrowing the choice of the home-seeker and discouraging the variety desirable and necessary for so complex and varied a population as New York's.

The price is too high in the sheer waste of scarce sites needed for employment-giving and tax-paying industry. And paradoxically it is also too high in the lack of protection to the homes which are prematurely and uneconomically permitted to pre-empt these sites.

The price is too high in terms of the jamming and blocking of streets needed for the movement of cars because no logical provision can be made for their parking.

Gross overzoning of shallow commercial strips exacts too high a price in excessive waste of land and in scattered and economically unrelated store development.

In these and in many other ways the existing zoning structure imposes an exorbitant price. The total pattern of land development it charts bears no meaningful relationship to the New York City that is or that will be. The city that our present zoning would permit is a nightmare of 55 million residents and 250 million workers. Obviously the crowded New York of today in which some eight million people live and four million work is not going to be transformed into such inconceivable size. A pattern which would permit such a transformation is not capable of rationally controlling land development. Gross distortion and waste are inevitable.

Time and experience have helped us to discover the fundamental principles of good zoning based on effective land-use planning. Like many other basic principles, once grasped they seem so simple and logical as to be self-evident. The sum of the regulations applied to all the individual segments of

land within the city is of necessity the city's total pattern of permissible land development. A reasonable concept of the total city pattern should therefore be the starting point and framework of a good zoning resolution -- not its accidental by-product. Within this framework, good zoning requires the logical development and application of the minimum number of different zoning districts necessary to reflect fundamentally different conditions which exist or are desired. The larger and more complex a city, the more different kinds of districts it needs. Zoning controls that apply to these districts should be as direct and as simple as possible, concerned with three basic elements: 1) the kind of use permitted; 2) the bulk or intensity of development; and 3) in deference to the role of the automobile, the amount of off-street parking and loading space required.

Our existing zoning, being deficient in concept and structure, is likewise deficient in the control of these three basic elements of land regulation.

The present Use Districts do not really provide for the logical grouping of compatible uses, as witness business districts that permit manufacturing, warehousing and other inappropriate uses; various retail districts, none of which really provide what their names imply or what is called for; manufacturing districts which are essentially business classifications slightly less curtailed as to processing; and unrestricted districts in which anything goes despite the fact that they are often mapped in close proximity to residential zones.

Direct control of bulk is provided in only a fraction of our zoning districts; others have indirect controls which tend to be too restrictive and stultifying. And a number of districts have no real bulk controls at all.

The attempt to establish reasonable non-residential parking requirements failed because there was no logical district structure to which they could be attached. The existing structure gave rise to such contradictions as uniform parking standards for the almost rural Prince's Bay section in Staten Island and Manhattan's Lower East Side.

These basic failings in our existing zoning do not discredit those who had the vision and courage to give New York the country's first zoning resolution over four decades ago; rather they discredit us for having failed to move ahead with comparable vision and courage in maintaining this zoning leadership. Instead, we temporized and tinkered, piled resolution and map amendments one on top of another -- more than 2,500 to date -- and developed the implausible total of more than

high performance standards and is used as a buffer to protect Residence or Commercial Districts from the heavy industrial district, M3, permitting industries which may create appreciable noise, air pollution, or other nuisances. The M2 District is designed for uses which are not as free of nuisances as those permitted in the M1 District but not as objectionable as in M3. Residential development is excluded from all Manufacturing Districts.

The Total Zoning District Structure

To fit the broad range of situations prevalent in New York, the Residence Commercial, and Manufacturing Districts described above are combined with various levels of building bulk and parking and loading requirements. Each of the 47 districts resulting from this combination of regulations incorporates integrated controls over use, bulk, and parking and loading. Direct and meaningful relations are thus established between permitted uses, building bulk, and required levels of off-street parking and loading facilities. The 47 districts are designated on a single set of zoning maps in contrast with the 286 district combinations actually found on the three sets of zoning maps under the existing zoning regulations.

Drawing the New Zoning Maps

The overriding importance of devising appropriate districts and applying them consistently throughout the City has been the guiding principle in this rezoning operation. The application of the proposed district regulations by means of the new zoning maps was a process involving two primary steps: 1) Analysis of the future land needs of the principal users of land in the City; and 2) The drawing of the new zoning maps. In preparing the estimates of future land needs, the staff assembled all available data bearing on land demand, conducted a number of new surveys to fill in gaps in the data, and, by interviews and conferences, drew upon the experience of dozens of specialists and real estate practitioners. In drawing the new zoning maps, every block of land in New York was carefully re-evaluated by first-hand field examination and analysis.

Industrial Performance Standards

Industrial performance standards are proposed to supplement the listing of permitted industrial uses in order to provide a more

effective and equitable method of guiding industrial location through zoning. Thus, the large number of nuisance-free industries would be given greater freedom in choosing sites, while adjacent residential and commercial areas are given better protection from industrial nuisances.

Regulations Governing the Intensity of Residential Development

The principal and most important influence of zoning on future residential development is its control over such important factors as building volume, density, and open space. Four interrelated controls are proposed to regulate the intensity of residential development: 1) The Floor Area Ratio, which limits the amount of floor area which may be developed on a lot; 2) Lot area per dwelling unit regulations, which control population density by limiting the number of dwelling units permitted on a lot; 3) The Open Space Ratio, which regulates the amount of open space on a lot; and 4) Minimum lot area and lot width regulations, which affect the density of development. The Floor Area Ratio device is already in use in several of the area districts of the present zoning resolution and has the merit of being a simple, direct, flexible, and enforceable control over the bulk of buildings. The Floor Area Ratio is supplemented by lot area per dwelling unit requirements which constitute a direct, effective control over population density -- both new residential development and the conversion of existing dwelling units. An effective balance can thereby be maintained between the permitted concentration of population and the capacity of street and transit facilities, as well as schools and other community facilities, to serve the needs of the population. The Open Space Ratio expresses the relationship between the open space on the lot and the floor area of the building or buildings on it, and supplements the Floor Area Ratio and the density regulations to insure the long-term desirability of residential areas by maintaining adequate standards of open space. The proposed controls over the intensity of residential land use have been carefully related so that it is possible to permit the developer a far wider choice as to his type of development while maintaining adequate standards of residential density and coverage. In addition, the interrelated application of the three controls makes it possible to induce better standards of open space by granting a bonus of a moderate increase in Floor Area Ratio or density when more than the required amount of open space is provided.

Regulations to Insure Access of Light and Air

To insure adequate light and air to buildings

Summary

This proposal contains the text and maps of the proposed new zoning resolution, with an accompanying explanatory report. The first section of the report explains the wide range of studies of land use, population, and economic activities leading up to the determination of the land needs of the primary types of uses in the City. The second section contains an explanation of the organization and form of the proposed resolution. With the exception of the discussion of the procedures for drawing the new zoning maps, the remaining sections of the report deal with the principal zoning regulations proposed and are inserted before the appropriate Article or Chapter of the proposed resolution. For example, an explanation of the residential use regulations precedes the chapter containing the residential use regulations.

Developing the proposed zoning resolution involved three basic steps: 1) Analyzing the land needs of the City's principal users of land; 2) Devising the proposed zoning controls and regulations; and 3) Drawing the new zoning maps. The primary results of these processes may be summarized as follows:

Organization and Form of the Resolution

The proposed resolution has been designed primarily for the convenience of the potential developer who wants to find out what he can do on a particular plot of land, or where he can locate a particular use, rather than the rare person who will read the entire document. An allied objective was the organization of the regulations to give a clear, coherent, and logical picture to the user. These objectives have been accomplished by putting all the regulations applying to a particular category of use in one Article, by reducing cross-references to a minimum, by indicating the regulations applying to each district by means of charts, by putting numerous regulations in tabular form, by the use of explanatory drawings, diagrams, and summary tables, by supplying an index of all uses, and by employing a one-map system. The last feature, the one-map system, facilitates easy use of the proposed resolution by replacing the present cumbersome three sets of zoning maps bound separately from the resolution with a single set of maps bound with the proposed resolution.

Proposed Zoning Districts -- Use Distinctions

The proposed zoning districts constitute the minimum number required to guide the extreme range of land use, building types, and concentrations of development in New York City. The three broad categories of use districts -- Residence, Commercial, and Manufacturing -- have been further subdivided to provide for all the present and anticipated uses to be found in a large modern city. A total of

thirteen different types of districts are proposed on the basis of use distinctions: two residential; eight commercial; and three manufacturing. To establish clearly what uses are permitted in each district, all present and anticipated uses in the City have been classified into 18 categories or "Use Groups" on the basis of similarity of function as well as compatibility with one another and with adjacent districts. Each use district designated on the zoning maps permits one or more Use Groups. For example, the Commercial Local Service District (C2) permits television repair and the other home maintenance and repair services listed in Use Group 8, but not automobile repair and other heavy service uses listed in Use Group 16. The proposed use districts may be summarized as follows:

1) Residence Districts

Two major categories of Residence Districts are proposed: 1) Single-family Districts (R1 and R2) designed for and restricted to single-family detached houses, and 2) General Residence Districts (R3 to R9), permitting all dwelling types subject to regulations which establish adequate standards of density and bulk for each district. The density, open space, and other proposed bulk regulations will provide protection for the various types of dwellings in the lower density districts. In addition, the residential developer and home buyer or renter is permitted to exercise the greatest possible choice in determining or finding an appropriate structural type for any area in which he wishes to build or to live.

2) Commercial Districts

Eight Commercial Districts are tailor-made to fit the extraordinary diversity of commercial activity in the City, ranging from purely local shopping areas, to heavy service areas, to prime central shopping districts. The eight districts are of four primary types: 1) Local Retail and Service Districts (C1 and C2), designed to service local area needs; 2) General Commercial Districts (C4), designed for primary and secondary outlying shopping centers serving extensive service areas; 3) Central Commercial Districts (C5 and C6), designed for the central business areas of Manhattan and downtown Brooklyn and catering to the retail and commercial needs of the entire City and metropolitan region; and, 4) Three special purpose districts (C3, C7, and C8) designed to accommodate waterfront recreational uses (C3), large outdoor commercial amusement uses (C7), and heavy service uses (C8).

3) Manufacturing Districts

Three Manufacturing Districts incorporate regulations based both on lists of permitted uses and on "performance standards" with established limits on noise, air pollution, and other types of industrial nuisances. The M1 District is designed for industries with

open uses and signs, which represent small investments. Non-conforming manufacturing and related uses in Commercial and Manufacturing Districts are permitted to continue but are required to upgrade their operations to a reasonable level of performance within 15 years. Buildings non-complying as to bulk are permitted to continue in use. Normal maintenance, repairs, and structural alterations are permitted, and enlargements are allowed under certain conditions.

Regulation of Height Around Airports

In order to avoid obstructions to air navigation and to persons and property in adjacent areas, regulations are proposed to limit the height of tall buildings and structures in the vicinity of major airports. The regulations closely approximate the criteria established by the Federal Civil Aeronautics Administration and limit heights only to the extent necessary. A flight obstruction area is established for each of the three major airports, within which height is limited by one set of controls in those areas over which airplanes pass in approaching and taking off from runways and by a second set of controls in those areas over which airplanes pass when circling the airport.

Administrative Regulations

Some revisions in the methods of zoning administration become necessary as the technology of zoning and land use planning advances. In the interest of more effective administration, two kinds of modifications of the administrative procedures of the present resolution are proposed: 1) Changes that are included in the text of the proposed resolution; and 2) Changes that involve amendments to the City Charter or other existing laws and administrative rules. Among the proposed changes in administration are: 1) The addition of a small but technically capable staff to the Department of Buildings, to be headed by a Zoning Administrator who would be an additional deputy to the Commissioner within the Department; 2) A series of specific findings or conditions which must be satisfied before a variance from either the proposed use or bulk regulations can be granted; and 3) Special standards or conditions for a limited number of uses with unique characteristics which cannot be controlled adequately by the general regulations. Two agencies are empowered to grant special permits for such uses, the Board of Standards and Appeals and the City Planning Commission. The latter agency is empowered to grant permits for those uses whose location has city- or community-wide impact and whose characteristics require special planning study.

and to streets, three flexible alternatives are proposed which permit a high degree of design freedom in achieving economic, efficient, and attractive buildings. The first establishes an envelope characterized by a vertical front or street wall of a stated maximum height and a required setback above which a building can continue to rise beneath a limiting angle (the sky exposure plane). An alternative regulation permits the street walls of buildings to rise to greater heights, provided the buildings are set back a specified distance at street level. A third, which can be used alone or in combination with either of the others, concerns towers and permits a building or portion of a building to cover 40 percent of the lot without any required setbacks or limitation by angles (the sky exposure planes) as long as the Floor Area Ratio is not exceeded. In order to bring more light and air into streets surrounded by tall buildings, as well as to create more usable open space, a bonus device has been established to encourage the setting back of buildings from the street line. When such a plaza or open space is provided, three feet of additional floor area are permitted for each square foot of open space or plaza provided.

Large-Scale Residential Developments

In recognition of the opportunities inherent in large-scale developments, a series of regulations is proposed which permit flexibility in site planning while insuring adequate protection of the residents of large-scale developments as well as of adjacent areas. In addition, because some of the more important regulations are applicable to both large- and small-scale projects, most projects can proceed as a matter of right without complicated administrative review. The principal regulations deal with bulk controls and convenience shopping facilities. A minimum building spacing formula is proposed, which makes the required spacing between various buildings dependent on the degree of their impact upon each other as determined by their height and length. A limited amount of controlled convenience shopping facilities is permitted in large-scale residential developments (and considered as an accessory use) if the City Planning Commission finds that such facilities are needed and are properly located. Opportunity is provided the City to arrange for the reservation of sites needed for schools or other public facilities the need for which will be created by the proposed development.

Off-Street Parking Regulations

Parking regulations are proposed to cope with the complex parking problems in this huge metropolis in an era when the automobile has become one of the most important influences on the character of residential neighborhoods and the efficiency and stability of commercial and industrial areas. Since 1947 the tidal wave of a half million more automobiles owned by residents of the City has swept New

York into the unenviable position of having traffic problems comparable with Detroit and other "automobile cities." The problem of parking the automobile at the dwelling unit as well as at the end of the journey to work, shopping, or recreation is dramatized by the fact that 900,000 persons -- about half of the people who are employed outside Manhattan's Central Business District -- now drive to work. In Residence Districts appreciably higher parking requirements are proposed than in the present resolution, in recognition of the clear-cut trends in both automobile ownership and the voluntary provision of off-street parking spaces by most post-World War II residential developers. In Commercial Districts the proposed regulations are designed to recognize the wide variation in automobile use in different parts of the City and the great differences in the traffic-generating characteristics of commercial uses as exemplified by such divergent uses as supermarkets, electrical contractors, and taxidermists. The flexibility required to obtain adequate parking facilities where needed without penalizing the areas and uses with low parking needs is obtained by establishing parking levels which vary by district depending on location and by the traffic-generating characteristics of the various types of uses. In Manufacturing Districts the same requirements for parking apply to all types of Manufacturing Districts outside the Central Business Districts of Manhattan and Brooklyn because, with the exception of these two areas, there are no important differences in the patterns of journey to work by automobile. Parking requirements are based on both employment and floor area per establishment and vary for the two primary categories of industrial uses: 1) Manufacturing and related industrial uses, and 2) Storage and warehousing uses. Commercial and Manufacturing Districts in the Central Business Districts of both Manhattan and Brooklyn are exempted from parking requirements to avoid attracting more automobiles and compounding the present intolerable traffic congestion.

Non-Conforming Uses

To provide tools for dealing with the problem of non-conforming uses, the following two primary types of regulations are proposed: 1) Regulations designed to prevent the expansion or further entrenchment of non-conforming uses, including regulations on change of use, discontinuance, and enlargement; and 2) Regulations designed to make a start on a long-run program of unscrambling the worst types of non-conforming uses by requiring the gradual improvement of their performance in non-residential districts, and their gradual elimination in Residence Districts after a reasonable amortization period. Manufacturing and related uses in Residence Districts are given an amortization period extending 25 years from the effective date of the proposed resolution or 40 years from the issuance of the building permit, whichever is longer. Such uses occupying buildings designed for residential use, and therefore easily capable of reverting to residential use upon termination, are given shorter amortization periods, as are non-conforming

open uses and signs, which represent small investments. Non-conforming manufacturing and related uses in Commercial and Manufacturing Districts are permitted to continue but are required to upgrade their operations to a reasonable level of performance within 15 years. Buildings non-complying as to bulk are permitted to continue in use. Normal maintenance, repairs, and structural alterations are permitted, and enlargements are allowed under certain conditions.

Regulation of Height Around Airports

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Analysis of Land Needs of Housing, Commerce, and Industry

The Problem

Zoning a city requires not only clear ideas on the desirable uses of land, but also an endless series of difficult decisions on quantities. How many people are likely to be living and working in the city? How much land will they require for residences? For industry? For shopping, community facilities, and parking? In what proportions should vacant areas be divided for different uses, and how much developed but poorly utilized land can be reclaimed? Is the apportionment of land in each borough consistent with the controls on building bulk and site density? How realistic are the recommended levels of intensity of land use from the point of view of real estate economics?

Were land still free for the taking, these quantitative decisions could be quickly made. But the scarcity and high cost of sites in New York City mean that land must be allocated within a relatively high degree of accuracy. On the one hand, sufficient land must be assigned to each major use to provide for comfortable elbow room and freedom of location, as well as to allow for possible errors in analysis. On the other hand, an overgenerous allocation to any given use not only deprives other claimants but will lead to sterility and waste. Experience in this and other cities has shown that under-utilization of land can be as costly and disfiguring as over-utilization. The goal of the zoning research program, then, was to provide the mapping staff with the best possible estimate of total land requirements for each major use in each borough and to indicate the amount of reserve land needed as a safety factor.

In preparing these estimates, the research staff assembled all available statistics bearing on land demand, conducted a number of new surveys to fill in gaps in the data and, by interviews and conference, drew upon the experience of dozens of specialists and real estate practitioners.

Land requirements for a complicated and dynamic city cannot, obviously, be forecast with scientific precision. The future will always remain shrouded in the unpredictable, and even our knowledge of existing trends leaves much to be desired. A considerable degree of judgment must necessarily be supplied to quantitative forecasts, and error safeguarded against by judicious margins in the zoning envelope and by built-in flexibility in the zoning resolution to allow for changes as better information is developed.

Summary of Research Findings

The single most important finding which emerges from the research program is that the future land requirements of New York City will be determined less by overall growth than by internal re-distribution of existing people and jobs. The dominant trends point not to large accretions of residents but to continuing change in the characteristics and location of an only moderately greater population; not to dramatic increases or decreases in the labor force but to steady shifts in

the composition and location of job opportunities. Population growth in the various parts of the City is likely to be quite uneven, with sharp gains in some districts and with stability or even decline in others. Similarly, economic growth is likely to be restricted to selected industries and to be accompanied by the reshuffling of existing activities and firms, which will result in business expansion in some parts of the City and not in others.

This finding both simplifies and complicates the task of estimating land requirements. As long as net change in the major aggregates is likely to be small, the main allocations of existing vacant land can be made with relative confidence. On the other hand, the small overall changes reflect larger and divergent changes in components, which means that full attention must be given to the probable shifts in the uses of already improved land which will result from private and public redevelopment.

Future Population

Projections of the City's population anticipate a total of 8,340,000 persons in 1975, an increase of 470,000 over the estimated 1957 figure of 7,870,000. It has become increasingly clear that the City is approaching a population plateau and is unlikely to experience either sharp net gains or losses in the future — certainly not the rapid growth rate of the pre-1930 era.

The validity of the zoning plan would not be significantly affected were the attained 1975 population to be moderately greater or smaller than anticipated. Strictly speaking, a zoning plan for a complex city having a wide variety of housing types need not specify a particular population, but rather must set forth 1) the amount of land allocated to residential use and, 2) the densities appropriate and desirable for residential development in different parts of the City.

Since not all residential land will be developed to its full potential, since the number of persons per average household is subject to change, and since some proportion of the population will continue to live in areas not zoned for residential uses, a good zoning plan is compatible with a range of possible populations rather than a single fixed aggregate. Actually, the recommended residential zoning "envelope" can accommodate a resident population of 10,900,000, or 30 percent above the estimate used for working purposes, and very few of the zoning recommendations would have been affected had a population two or three hundred thousand less or more than the figure used been forecast.

More significant than the accuracy of the future City-wide population will be the nature of its internal distribution. The single most important objective of our residential recommendations was to bring about more evenly distributed densities in the City, without unnecessarily infringing on individual freedom of locational choice.

Table I

Population, 1957; Anticipated, 1975; and Zoned Capacity

	City	Manhattan	Bronx	Brooklyn	Queens	Richmond
1957 Special Census ^{a/}	7,870,000	1,818,000	1,436,000	2,523,000	1,780,000	213,000
Estimated, 1975	8,340,000	1,725,000	1,475,000	2,625,000	2,200,000	315,000
Zoned capacity	10,940,000	1,991,000	1,773,000	3,414,000	2,900,000	862,000

^{a/} Adjusted for exclusion of absentees.

Table II

Anticipated New York City Housing Inventory, 1975, and Zoned Capacity
(Dwelling units)

	<u>City</u>	<u>Manhattan</u>	<u>Bronx</u>	<u>Brooklyn</u>	<u>Queens</u>	<u>Richmond</u>
Inventory, 1957	2,576,000	639,000	458,000	842,000	575,000	62,000
Estimated, 1975	2,854,000	607,000	498,000	900,000	746,000	103,000
Zoned capacity	3,595,000	710,000	577,000	1,129,000	930,000	249,000

The estimates of future population are shown in Table I and were taken from the recent study of the Regional Plan Association, People, Jobs and Land, 1955-1975, except for three modifications:

- 1) A somewhat lower estimate was adopted for Manhattan. The results of the 1957 Special Census, even after adjustment for under-coverage, indicate a cessation in the rate of growth, partly as a result of shrinking household size. There has been a long-run tendency toward population decline in the central borough despite large numbers of new in-migrants. However, it is possible for Manhattan to attain a resident population higher than the 1,725,000 now projected should there develop, as many people believe, a back-flow from the suburbs and should the scope of urban renewal programs widen. The recommended zoning envelope for Manhattan will be able to accommodate a population of 1,991,000, or 15 percent more than the anticipated number of residents in 1975.
- 2) Again because of the findings in the Special Census, a somewhat higher future population in Queens has been projected than that of the Regional Plan Association. The Borough's population "envelope" of 2,900,000 is 32 percent above its estimated future population of 2,200,000 and 63 percent greater than its 1957 population of 1,780,000.
- 3) A substantially lower 1975 population has been projected for Richmond. It is now widely assumed that the Narrows Bridge, upon which Richmond is dependent for any significant acceleration in its growth, will not be completed until 1965 or later. Because of the extensive reservoir of vacant land available in this Borough, its zoned capacity of 862,000 people is about two and one-half times its anticipated 1975 population of 315,000 and nearly four times its present 213,000 residents.

Housing Inventory

The City's housing inventory can be expected to grow more rapidly than its population because of 1) the persistent trend toward smaller household size and, 2) the likelihood that, eventually, the vacancy rate will

rise at least moderately above its present negligible level. As projected, a total of 2,854,000 dwelling units will be standing in 1975, 11 percent above the current number, compared with an estimated population increase of 6 percent. The net increase of 279,000 units is expected to come about as the result of 531,000 units added by new construction and conversion, less 252,000 units demolished or otherwise withdrawn. Table II summarizes the City's present and anticipated 1975 housing inventory and its capacity under the proposed resolution.

The inventory projection was based on a study, borough by borough, of the course of new construction and demolitions during the post-war period, together with an analysis of demographic trends affecting household size.

Between 1957 and 1975, an average of 25,000 new units per year is expected to be built, about equal to the annual average between 1952 and 1957 but 5,000 less than the 1946-51 annual rate, the peak of the post war boom in FHA apartment construction.

Residential construction in New York City is particularly sensitive to government-aided housing programs. Public housing accounted for more than one out of every four units built in the post-war decade. Fifty-seven percent of all new private apartments were built under FHA auspices, predominantly under Section 608, and thousands of additional private dwellings were built under State and City middle-income and redevelopment programs.

Government housing policies are subject to unpredictable shifts, so that the future volume of new construction cannot be forecast with confidence. But the recent trend toward liberalization of FHA rental housing policies, the new Mitchell-Lama program, and the increased pace of renewal and redevelopment indicate a higher average rate of new private construction than during the past few years. On the other hand, high and rising construction costs, the growing shortage of vacant sites, and the termination of the emergency FHA Section 608 program are likely to keep average construction levels in the City below the best volume attained after the War.

New construction by boroughs, as summarized in Table III, was projected by an examination of the trend in borough shares of the City total during the post-war decade, taking account of expected shifts in borough population and the differential impact of government

Table III

Anticipated Components of Change in the Housing Inventory, 1957-1975
(Dwelling units)

	<u>City</u>	<u>Manhattan</u>	<u>Bronx</u>	<u>Brooklyn</u>	<u>Queens</u>	<u>Richmond</u>
New units, 1957-75	450,000	91,800	59,400	91,800	166,500	40,500
Net additions from conversions and changes in use	81,000	18,320	13,140	32,260	15,120	2,160
Total additions	531,000	110,120	72,540	124,060	181,620	42,660
Demolitions	252,000	141,300	32,400	66,600	10,800	900
Net change	+279,000	-31,180	+40,140	+57,460	+170,820	+41,760

Table IV

Trend in Household Size, 1940-1975
(Persons per household)

	City	Manhattan	Bronx	Brooklyn	Queens	Richmond
1940	3.52	3.15	3.64	3.71	3.55	3.60
1950	3.20	2.81	3.36	3.36	3.31	3.57
1957	3.07	2.65	3.17	3.14	3.28	3.48
Estimated, 1975	2.9	2.6	3.0	3.0	3.1	3.4

housing programs. Manhattan and Richmond are expected to account for higher proportions of total construction than in the past, the former because of expanded redevelopment and renewal programs, and the latter because of accelerated growth.

The demolition rate is likely to remain high as, more and more, new real estate improvements and public facilities are placed on already developed land. An average annual rate of 14,000 demolitions has been projected, higher than the average for 1946-57 but somewhat lower than the peak level in 1952-57.

In making future projections, an arbitrary allowance was made for an increase in vacancies. Over the long run a private rental market tends to have a vacancy rate considerably above the one percent commonly believed to exist today; between 1950 and 1957, for example, the national rental vacancy rate more than doubled. In the absence of a severe depression, the City vacancy rate is likely to remain well below the national average, since continuing in-migration of low-income families and the wide gap between the cost of new and old dwelling units will inevitably create a keen demand for existing housing space.

Because of the reduction in average household size shown in Table IV, a larger number of dwelling units is required to house a given population. Household size in the City has continued to decline despite a rising birthrate, increases in the number of children, and the in-migration of minority groups having, characteristically, large households. Between 1940 and 1957 average household size in the City is estimated to have declined from 3.52 to 3.07, in extension of a trend which has lasted for half a century.

The shrinkage in household size has been mainly the result of relatively sharp increases in the proportion of one and two person households brought about by 1) the gradual aging of the population -- a trend likely to continue into the future -- which results in a larger proportion of people past the child-bearing age, and 2) the selective nature of urban migration, which makes the core of the metropolitan area relatively more attractive for childless individuals and couples.

Residential Land Requirement

To ascertain the quantity of land required by the projected housing inventory, a comprehensive survey was undertaken of the physical characteristics of all new apartments built in the City during the post-war era: average size of dwelling units, size and coverage of lots, densities, and floor area ratios. Land costs in relation to building size were studied for representative developments. From these data, plus information obtained from real estate practitioners and builders, a total of about 12,000 acres more residential land than is now occupied was estimated as needed in 1975, as shown in Table V. The proposed zoning districts provide approximately 30,000 acres more than presently used, and will have a capacity of 3,595,000 dwelling units, or 26 percent above the projected inventory. In addition, about 800 acres of land in non-residential districts are expected to remain in residential use, and about 200,000 people will be living in accommodations not classified as dwelling units, e.g. hotels, institutions, and rooming houses.



Substantial rural areas still exist within the City, Outer Richmond.

Table V

Anticipated Residential Land Requirements
(Acres)

	City	Manhattan	Bronx	Brooklyn	Queens	Richmond
In residential use, 1956 <u>a/</u>	46,766	3,331	5,468	12,882	20,238	4,647
1957-75 need for new residential use	11,895	200	1,234	1,442	4,019	5,000
Total requirements	58,661	3,531	6,702	14,324	24,257	9,647
Proposed residential zoning <u>b/</u>	66,515	3,371	7,277	15,596	25,273	14,998

a/ Including residential use in proposed non-residential districts.

b/ Exclusive of residential land requirements which will be met by mixed use in areas zoned for commercial use, amounting in Manhattan, for example, to between 400 and 500 acres.

Non-Residential Land Requirements

Industrial Land Needs

A projection of future employment, based on post-war trends, indicates that the number of jobs in the City may increase by only 127,000 to 1975, or about 3½ percent. Changes in the geographical and occupational distribution of employment, however, are likely to be more pronounced and will have significant implications for land allocations.

Manufacturing employment is likely to diminish moderately, partly in keeping with a long-run national shift toward a higher proportion of non-production workers and partly because of a small but persistent out-migration of certain types of manufacturing to the outer rings of the metropolitan area. The rate of decline, however, may be slowed by more careful zoning and by recent statutory tools to make under-utilized land more easily available to industry. Retail employment has also evinced a downward trend as self-service, as well as larger and more integrated establishments, have increased the efficiency of retail trade.

More than counter-balancing these declines are the expected increases in service employment and in such activities as finance, insurance, wholesale trade, and government services. The rapid growth in the City's functions as a center of administrative, technical, educational, and business services will be reflected in disproportionate gains in white-collar employment resulting in a different locational pattern of jobs and land use.

In Manhattan, employment as a whole is expected to increase very slightly, though with many differences in individual categories. Thus, manufacturing employment is expected to drop nearly 20 percent and retail trade about 14 percent while the financial-insurance-real estate group may gain 28 percent, services 14 percent, and government employment 13 percent. In the Bronx, a moderate increase in employment is forecast, with manufacturing expected to grow by 25 percent and wholesale trade by 40 percent, while retail trade and the transportation-communications-public utilities groups may drop by 10 percent each. Brooklyn presents a more stable picture, with manufacturing employment expected to be relatively unchanged, retail trade and transportation-communications-public utilities decreasing

between 10 percent and 15 percent, while wholesale trade, finance-insurance-real estate, and government employment may rise moderately.

Queens is expected to show an employment increase in almost all categories except the transportation-communications-public utilities group, with manufacturing increasing 28 percent, wholesale trade employment over 50 percent, and significant gains in most other categories. In Richmond, an over-all increase of over 50 percent is estimated, with all categories sharing in the borough's economic growth. Table VI summarizes these anticipated changes in employment.

Industrial Land Requirements

A detailed study of new factory construction since World War II gives evidence of the overwhelming trend toward horizontal one-story plant layouts. The survey proves that not only is more land per worker required than was formerly the case, but that industrial firms require vacant or largely vacant sites in outlying areas. In other words, industry will have to be provided with an appreciable share of open land to allow for replacement, expansion, and relocation of existing plants, as well as to provide for new establishments.



A prime industrial area with vacant land still available for additional industry. Hunts Point, Bronx.

Table VI

Employment, 1955, and Projected, 1975
(Thousands)

	City	Manhattan	Bronx	Brooklyn	Queens	Richmond
Total, 1955	3,533	2,348	203	600	321	31
Total projected, 1975	3,660	2,367	219	606	419	49
Manufacturing, 1955	971	545	53	236	127	10
1975	925	448	66	234	162	16
Retail trade, 1955	447	250	39	90	62	6
1975	407	216	34	79	69	9
Wholesale trade, 1955	371	290	15	37	29	1
1975	404	291	21	45	45	2
Transportation, communication and public utilities, 1955	325	254	15	28	26	2
1975	290	227	13	24	22	3
Finance, insurance and real estate, 1955	355	319	6	20	10	1
1975	455	409	8	25	12	1
Services, 1955	567	417	32	76	40	3
1975	634	476	32	75	47	5
Government, 1955	390	218	31	93	39	8
1975	442	247	35	105	43	12
Contract construction, 1955	107	55	12	20	19	1
1975	103	53	11	19	18	1

Table VII

Characteristics of New Industrial Construction, 1947-1956

	<u>City</u>	<u>Manhattan</u>	<u>Bronx</u>	<u>Brooklyn</u>	<u>Queens</u>	<u>Richmond</u>
Floor space built, 1947-56, acres	567	32	71	181	283	a/
Land developed, acres	737	12	86	234	405	a/
Floor area ratio	77	260	83	77	70	a/
Employees, 1957	67,100	3,000	7,350	21,550	35,200	a/
Floor space per worker, square feet	388	467	422	367	349	a/
Employment per acre	91	244	83	92	87	a/

a/ Insufficient data

Recognizing the shortage of large open tracts suitable for modern types of industrial development, the City Planning Commission has embarked on a series of studies of potential industrial areas, with the purpose of enlarging the supply of usable land for industry. Toward this goal, a law was recently passed by the State Legislature which permits assembly by condemnation of vacant or predominantly vacant blighted land. The power to assemble plottage, together with existing power to abandon streets, makes possible super-block areas capable of meeting the needs of modern industrial plants.

Studies of post-war industrial construction, as summarized in Table VII, show that about half the total floor space was built in Queens and about one-third in Brooklyn. Only negligible amounts were built in Manhattan and Richmond. Land area utilized by new plant construction between 1947 and 1956 was about 800 acres, with slightly over half the total in Queens, about 30 percent in Brooklyn, 11 percent in the Bronx, and the rest in Richmond. The trend was strongly in the direction of one-story plants, with considerably more land and floor space provided per worker than in older plants. About 70,000 workers were employed in these new plants, with an average number of workers per acre of between 80 and 90 in the Bronx, Brooklyn, and Queens, and about 250 in the handful of buildings constructed in Manhattan since the War.

Employment in post-war plants constitutes about 6 percent of the City's total industrial employment, and new industrial floor space built, 7 percent of total existing space in factories, lofts and warehouses. The land area occupied by new plants however, is equivalent to 10 percent of the total land in use for these purposes in the City, a clear indication of the necessity of allowing more generously for land for future in-

dustrial expansion. Furthermore, as the need for off-site parking for employees grows, the amount of land per worker can be expected to increase still further.

On the basis of these trends and anticipated future industrial employment, the City's need for additional industrial land is estimated at about 2,000 acres, of which nearly 500 acres can be provided in redevelopment areas. Table VIII shows 1956 industrial land use, anticipated requirements, and the amount designated for industrial use in the proposed resolution. The 17,600 acres proposed provide almost 6,000 acres for industrial expansion over the 11,800 acres in industrial use in 1956.

Commercial Land Needs

Next to housing and industry, commercial activity is the major generator of land demand. Commercial uses cover an extensive range of types, from the corner grocery store to the soaring skyscrapers heavily concentrated in the Central Business District. In the downtown area, many districts of mixed use are found, with manufacturing, wholesaling and office functions all found in the same or neighboring buildings.

The Central Business District

Manhattan, from 60th Street south, is the place of employment of 57 percent of the City's entire working population. In this Central Business District, which comprises less than three percent of the City's area, is found 55 percent of the City's total commercial and industrial floor space, including 97 percent of the City's space in office buildings and 91 percent of its loft space.

Table VIII

Anticipated Industrial Land Requirements
(Acres)

	<u>City</u>	<u>Manhattan</u>	<u>Bronx</u>	<u>Brooklyn</u>	<u>Queens</u>	<u>Richmond</u>
In industrial use, 1956 a/	11,810	1,388	1,696	3,182	3,483	2,061
1957-75 need for new industrial use	2,030	30	200	500	1,000	300
Available from redeveloped land	480	16	33	320	111	-
Total requirements	13,192	1,234	1,863	3,362	4,372	2,361
Proposed industrial zoning	17,616	1,050	2,389	4,267	4,556	5,354
Available in 1975 b/	19,737	1,419	2,633	4,851	5,242	5,392

a/ Including industrial use in proposed non-industrial districts. In Manhattan, 168 of these acres are estimated to be in non-industrial use by 1975.

b/ Including industrial uses estimated to remain in proposed non-industrial districts.



The Central Business District, Manhattan south of 60th Street.

The most apparent trend in the Central Business District is the decline in manufacturing and related warehousing activities and the increase in office and service functions. Although total employment in the Central Business District is likely to remain at approximately its present level, workers in the "paper-handling" categories are expected to increase by 151,000 as "goods-handling" employment decreases by 145,000. Thus, demand for additional floor space and land can be expected to come predominantly from the kinds of employment which take place in office buildings, while factory and loft space needs will probably contract.

Some 28,000,000 square feet, or one square mile, of new office floor space has been built in Manhattan's Central Business District since the War, and an equivalent amount is under construction or in planning. These buildings are largely centered in two areas -- East Midtown and Wall Street. The heavy demand for office space stems from 1) greatly expanded business

and technical services such as research, marketing, and advertising; 2) the increased proportion of office and administrative employees in manufacturing industries; 3) the attractiveness of Manhattan as a headquarters domicile; and, 4) a tendency for an increasingly greater proportion of office workers to be housed in office buildings rather than in lofts or other industrial buildings. In Table IX, a rough projection of future employment requiring office facilities indicates an anticipated increase of 185,000.

Projections of new office building construction were made in a number of ways, taking account of the size of the future national economy, past shares of New York City's office construction in the U. S. total, future office employment and anticipated floor space per office employee, and extrapolation of trends in space built since World War II and already planned for the next few years.

Table IX

Employment, Central Business District, 1955, and Anticipated, 1975

	1955		1975		Increase (or decrease) in office buildings
	Total	In office buildings	Total	In office buildings	
Total employment	2,049,000	847,000	2,056,000	1,032,000	185,000
Finance, insurance and real estate	279,000	269,000	358,000	344,000	75,000
Services	333,000	167,000	380,000	208,000	41,000
Government	179,000	27,000 ^{a/}	203,000	34,000 ^{a/}	7,000 ^{a/}
Wholesale trade	285,000	128,000	286,000	160,000	32,000
Retail trade	230,000	92,000	199,000	82,000	-10,000
Manufacturing	524,000	101,000	431,000	141,000	40,000
Transportation, communication and public utilities	165,000	55,000	147,000	55,000	- -
Contract construction	54,000	8,000	51,000	8,000	- -

^{a/} Does not include tax-exempt buildings.

Table X

Anticipated Increase in Office Building Floor Space and Office Employment,
Central Business District, 1955 to 1975

	Gross floor space (millions of square feet)	Employees (thousands)	Floor space per worker ^a (square feet)
Inventory, 1955	132.6	847	157
New completions, 1956-75	70.6		
Demolitions, 1956-75	7.1		
Inventory, 1975	196.1	1,037	190

^a/ Including vacant space

The projections indicated that an average volume of about 3,000,000 square feet of rentable space per year between 1957 and 1975 was likely, with some years going above or below this average. As shown in Table X, this amount of new construction would provide space for an increase of 185,000 office workers by 1975 as well as allow for demolitions, more floor space per office worker in existing buildings, and a somewhat higher vacancy rate.

The amount of additional land needed to provide for new office space depends upon the Floor Area Ratios (floor space divided by lot area times 100) at which the new office buildings are built. Studies of post-World War II office building construction show an average Floor Area Ratio of 1,500. As Table XI shows, only 108 to 162 acres of land would be required to accommodate the additional office floor space at Floor Area Ratios of 1,500 or less, a modest amount relative to total commercial land available in the Central Business District. The main problem created by office buildings is the tendency to concentrate in already congested areas.

No net additional land demand is foreseen in the Central Business District for industrial purposes or for retail trade or wholesaling and storage activities, although a limited amount of new construction may take place in already developed sections. If anything, the amount of land in these uses should contract, making available additional land for residential uses, office buildings, and such needed facilities as parks and playgrounds.

Local Commercial Land Requirements

Retail trading patterns have altered so rapidly in the post-war era that it is no longer possible to estimate land requirements for local stores on the basis of old formulas. The growth of the supermarket has plainly reduced the role of the neighborhood food store. The efficiency of the large supermarket is such that a given volume of sales can be handled with sharply lower frontage requirements and, even allowing for parking areas, with appreciably lower land requirements. As the size and variety of goods sold by supermarkets increase, their competitive impact has been felt not only by food stores but by drug, candy, bakery, hardware, and other neighborhood stores.

Simultaneously with the growth of the supermarket has appeared the integrated shopping center, ranging in scale from neighborhood units of ten stores to gigantic complexes with department stores and chain store branches. Since the main attribute of the shopping center is one-stop shopping for the automobile-using customer, the radius of the retail trading area has dramatically increased. The community shopping center, no longer limited to pedestrian trade, now draws customers from a substantially wider area, while the regional shopping center, as the name implies, attracts trade from a zone of hundreds of square miles.



Excessive development of retail frontage results in vacancy. Melrose section of The Bronx.

It is by now a commonplace that both the downtown main shopping district and the local strip street have been adversely affected by these innovations in retail trade. Between 1948 and 1954 the physical volume of retail trade in the Central Business District failed to expand despite sizable increases in consumer purchasing power. Even more important from the point of view of land requirements is the excessive amount of retail frontage in the numerous strip developments of the City. A survey of frontages in sixteen shopping districts in widely scattered parts of the City indicated an average retail vacancy rate of nine percent, with an additional six percent of store frontage occupied by non-retail uses.

Table XI

Land Requirements for New Office Buildings, Central Business District, 1955-1975

Rentable floor space estimated to be built (3,000,000 square feet per year)	60,000,000 square feet
Gross floor space, square feet (Assuming 85 percent rentable)	70,600,000 square feet
Land needed at Floor Area Ratio of 1,000	162 acres
Land needed at Floor Area Ratio of 1,250	130 acres
Land needed at Floor Area Ratio of 1,500	108 acres



Excessive strip zoning for commercial use results in no use at all. East Bronx.

To make matters worse, commercial streets, though already badly under-utilized, represent less than one-third of the potential commercial development permitted under existing zoning regulations. City-wide, there are nearly 19,000 acres zoned for commercial use while fewer than 6,000 are actually being used, as shown in Table XII.

Table XII

Land Zoned Retail and Business, 1957,
in Comparison with Actual Commercial Use
(Net acres)

	Land zoned for retail or business use ^{a/}	Land in commercial use	Difference
City total	18,820	5,792	13,028
Manhattan	2,909	1,513	1,396
Bronx	2,965	893	2,072
Brooklyn	6,224	1,660	4,564
Queens	5,174	1,447	3,727
Richmond	1,548	279	1,269

^{a/} Includes all types of retail and business zones.

Clearly, whatever the historical justification may have been for generous allocations to commercial use, the City now suffers from a serious case of over-zoning that can be cured only by returning appreciable amounts of sterile commercial land to better uses.

Guided by typical ratios of frontage to population and population density derived from field surveys, in addition to statistical analyses and interviews with real estate practitioners, sufficient commercial land was allocated in each section of the City to service all likely needs of the expected future population together with more than adequate allowances for expansion. In Table XIII, the amount of frontage which has been zoned for local commercial activities is compared with generous estimates of future frontage requirements:

Table XIII

Comparison of Local Retail Frontage
Requirements With Zoned Frontage
(Thousands of feet)

	Indicated requirements	Zoned
Manhattan	200	481
Bronx	260	403
Brooklyn	556	772
Queens	606	647
Richmond	128	168

Smaller amounts of frontage would have been desirable, particularly in the older boroughs, were it not for the problems created by the complex spatial pattern of present commercial development and the desire to avoid making too many of the marginal retail streets non-conforming.

In terms of acreage, a total of 10,698 net acres have been zoned for commercial purposes compared to 5,792 net acres now in use, as shown in Table XIV. Thus, nearly 5,000 acres are available for future expansion, a more realistic figure than the 13,000 available under current zoning regulations.

Table XIV

Commercial Land Requirements
(Net acres)

	Now in use	Proposed zoned	Available for expansion
New York City	5,792	10,698	4,906
Manhattan	1,513	2,361	848
Bronx	893	1,529	636
Brooklyn	1,660	3,367	2,731
Queens	1,447	2,316	869
Richmond	279	1,125	846

Other Land Needs

Residential, industrial, and commercial activities are the major users of land and will account for about 67 percent of the City's net land area, exclusive of streets. (Streets comprise about 27 percent of the City's gross area). The remaining 33 percent of the City's net area consists of parks and recreational uses (23 percent); schools, hospitals, and other public and private institutions and community facilities (6 percent); and major airports (4 percent).

No significant increase in the land needed by the City's three primary airports is foreseen except for such additional acreage as can be added by fill. The amount of land currently mapped for streets is expected to decline in the future because of more efficient street layouts.

The remaining claimants for additional land are parks, playgrounds, schools, and other community facilities, both to take account of population growth and redistribution and to bring poorly serviced areas up to a higher standard. In mapping residential zones in open and growing areas of the City, an allowance was made for sufficient land to accommodate the local facilities auxiliary to residential development. Determination of the amount of additional land needed for recreational and other community facilities will require more study on the part of the City Planning Commission and the other City departments concerned.

Summary of Land Allocations

Of a total City area of 204,400 acres, about 66,500 acres were allocated to residential use, 17,600 to industrial use, 10,700 to commercial use, and the remainder given over to airports, parks, streets, community facilities, and miscellaneous uses, as summarized in Table XV.

Of the 31,000 net acres of vacant land available in 1955-56, as indicated in Table XVI, about 21,000 were allocated to residential use. Half of this allocation was made in Richmond, this Borough having the major share of the City's vacant area. To industrial use were assigned 7,500 vacant areas, with commercial and other uses accounting for the remaining 2,500 acres of vacant land in the City.

Table XV
Future Distribution of Land by Major Categories
(Net acres)

	<u>City</u>	<u>Manhattan</u>	<u>Bronx</u>	<u>Brooklyn</u>	<u>Queens</u>	<u>Richmond</u>
Proposed zoning	94,840	6,780	11,200	23,240	32,150	21,470
Residential	66,520	3,370	7,280	15,600	25,270	15,000
Industrial	17,620	1,050	2,390	4,270	4,560	5,350
Commercial	10,700	2,360	1,530	3,370	2,320	1,120
Airports, major, 1956	6,450	-	-	1,090	5,360	-
Parks and recreation, 1956	36,000	2,530	6,430	11,250	11,680	4,110
Institutions and community facilities, 1956	12,100	1,140	2,130	2,090	4,090	2,650
Streets, estimated future	55,020	4,220	7,780	14,520	19,420	9,080
Total	204,410	14,670	27,540	52,190	72,700	37,310

Table XVI
Proposed Use of Existing Vacant Land
(Net acres)

	<u>City</u>	<u>Manhattan</u>	<u>Bronx</u>	<u>Brooklyn</u>	<u>Queens</u>	<u>Richmond</u>
1955-56, vacant	31,020	390 ^{a/}	3,760	4,050	7,210	15,610
Proposed use						
Residential	20,960	240	2,180	2,730	5,650	10,180
Industrial	7,520	20	870	1,170	1,400	4,060
Commercial and other	2,540	130	710	150	160	1,390

^{a/} Primarily scattered vacant parcels and unbuildable land arbitrarily pro-rated to future uses.

Organization and Form of the Proposed Resolution

The preparation of a zoning resolution designed to guide the extraordinary range of development taking place in the City of New York is obviously no simple task. Similarly, a zoning resolution which deals adequately with the vast and complex problems of land use besetting the City can be neither a simple nor a brief document. For this reason, such a document must be as clear and easy to use as possible.

The present resolution suffers both from over-simplification of content and an overly complicated and confused organization. The over-simplification of content derives in large part from a law drawn for a city of 1916, which has not been adequately amended to keep abreast of changes in the City or advances in zoning techniques. The result is a resolution of relatively narrow scope, which fails to cope with many of the complex problems of a huge metropolis in the middle of a century of rapid change and development. The controls over height, area, and use, although sometimes simply stated, are inadequate and out-dated. Such controls must not be so simple and uncomplicated that the purposes of modern zoning are not carried out. The regulations in the proposed resolution are designed to face the great variety of problems with which a modern zoning ordinance should be concerned.

Although more comprehensive, and therefore longer, the proposed resolution has been designed so that it is easy to use. As explained below, this has been accomplished by putting all the regulations applying to a particular category of use in one article, by reducing cross-references to a minimum, by indicating the regulations applying to the various districts by means of columnar charts accompanying the applicable portions of the resolution, and by employing a single map system.

In brief, the proposed resolution has been organized so as to give a logical and coherent picture to the two principal categories of users -- those who are interested in what may be done with a specific piece of land, and those who are looking for a site for a particular type of establishment. Thus, the form of the proposed resolution is designed primarily for the potential developer rather than for the rare person who will read the entire document with the hope of gaining a quick understanding of all its controls.

One-Map System

One of the most important changes in form is the establishment of only one set of districts on a single set of maps, each district with its own use and bulk regulations. This system is proposed to replace the present system utilizing separate use, height, and area districts, and eliminates the need for having three sets of frequently unrelated zoning maps. Also, in contrast to the present resolution, the maps are bound with the text of the proposed resolution to facilitate easy use.

Organization by Type of District

The traditional tripartite classification of districts -- residence, commercial and manufacturing -- is used in the proposed resolution. All the regulations applying to each of these general classifications are included in a single article even though this means repetition of regulations when they apply to more than one major classification. Although this makes the resolution longer, it is much easier to use, since the developer of property in a specific district will usually have to refer only to one part of the resolution in order to find all the use, bulk, and parking regulations which apply to him. This eliminates the necessity for having an elaborate system of cross references which would require a developer to read virtually all of the resolution in order to find all the applicable regulations.

District Symbols

The three major classifications of districts are

designated by the appropriate letters -- R for Residence Districts, C for Commercial Districts, and M for Manufacturing Districts. Further sub-classifications of these three primary categories of districts, indicating the type of use, bulk, or parking regulations which apply, are shown by one or two numbers following the letter designation, such as R7, C4-3, or M2-2. The Residence Districts are identified by a single number which primarily indicates the level of permitted building bulk and density. The Commercial and Manufacturing Districts are identified by two numbers, the first number indicating the uses permitted in the particular district, and the second either the maximum permitted bulk or the required off-street parking facilities, or both. For example, the C4-1 and C4-2 Districts both have the same permitted uses; however, the C4-1 District has a low maximum bulk and a high level of required parking, while the C4-2 District has a medium maximum bulk and a medium level of required parking. Where there is no second number (the C3 Districts, for example), the same bulk and parking requirements apply in all districts so numbered.

Columnar Chart

In each of the chapters containing the use, bulk, parking, or other regulations, a standard columnar chart on the right hand side of each page is used to designate the district or districts in which a particular provision or requirement applies. Thus, when a developer knows that he is located in an R5 or a C4-3 District, he can turn to the appropriate article and by checking the columnar chart on each page find fairly quickly and easily most of the provisions which apply to R5 or C4-3 Districts. In cases where the second number does not appear in this chart, it is understood that the regulation applies to all districts which contain the first number. Thus if a regulation applies to all C4 Districts (C4-1 to C4-7), the chart will list only C4.

Tables, Diagrams, and Index of Uses

For the convenience of the user, a great many of the regulations in the proposed resolution are put into tabular form and supplemented by drawings and diagrams. Whenever they appear in the text, all defined words are underlined for further convenience. Supplementary tables which summarize a series of regulations are also included in the resolution. In addition, an index of uses is contained in the Appendix. These aids are not legally a part of the resolution but are included with the text in order further to aid the reader.

Contents of Proposed Ordinance and Numbering System

The proposed resolution consists of seven articles, the proposed zoning maps, and an appendix, as follows:

- Article I - General Provisions
- Article II - Residence District Regulations
- Article III - Commercial District Regulations
- Article IV - Manufacturing District Regulations
- Article V - Non-Conforming Uses and Non-Complying Buildings
- Article VI - Special Height Regulations Applying Around Major Airports
- Article VII - Administration
- Zoning Maps
- Appendix

Articles II through IV set forth the regulations for the various types of districts which are essentially the heart of the proposed resolution. The proposed zoning maps consist of 35 maps comprising all land area within the corporate limits of the City of New York. The Appendix consists of 1) an alphabetical listing of all uses permitted in the City, with the districts in which each use is permitted and 2) excerpts from Industrial Code Rules adopted by the Board of Standards of the New York State Department of Labor which contain provisions applicable to the performance standard regulations in Section 42-20.

To facilitate the use of the proposed resolution a new numbering system is proposed. Each article is divided

into chapters which contain a group of similar basic regulations. Chapters are further subdivided into sections containing specific regulations or requirements. A number containing four or five digits is given to each section. The first two digits always indicate the article and chapter, respectively, while the remaining two or three digits indicate sections. Major sections have four digits and include all subordinate sections which have five digits; thus, Section 23-21 includes Sections 23-211, 23-212, 23-213, etc. Section 23-21 is easily located as appearing in Article II, Chapter 3. This numbering system makes it very easy to locate any particular part of the proposed resolution and to refer to appropriate regulations when necessary.

**PROPOSED
ZONING
RESOLUTION**

PREAMBLE

This resolution is adopted in order to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the specific purposes set forth in the statements of legislative intent for the respective districts and groups of districts.

ARTICLE I GENERAL PROVISIONS

Chapter I Title, Establishment of Controls, and Interpretation of Regulations

11-00 TITLE

11-01 Long Title

A resolution regulating the height and bulk of buildings and other structures, regulating and determining the area of yards, courts and other open spaces, and the density of population, and regulating and restricting the location of trades and industries and the location of buildings designed for specific uses within the City of New York, and for such purposes dividing the City into districts.

11-02 Short Title

This resolution shall be known and may be cited as the Zoning Resolution of the City of New York.

11-10 ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS

11-11 Control over Use

In all districts, after the effective date of this resolution, and subject to the provisions of Article V on non-conforming uses,

- (a) Any new building or other structure, or any tract of land, may be used, and
- (b) The use of any existing building or other structure, or of any tract of land, may be changed, extended, or enlarged, and
- (c) Any existing building or other structure may be relocated, enlarged, converted, reconstructed, or structurally altered

for any purpose permitted by the regulations for the district in which such building or other structure, or tract of land, is located, and for no other purpose. Such use, change, relocation, enlargement, extension, conversion, reconstruction, or structural alteration shall conform to all other regulations set forth in the regulations for that district, and to all other applicable regulations of this resolution. The requirements set forth in the district regulations for accessory off-street parking spaces and off-street loading facilities shall also apply.

11-12 Control over Bulk

In all districts, after the effective date of this resolution and subject to the provisions of Article V on non-complying buildings, any new building or other structure, or the relocation, enlargement, extension, conversion, or reconstruction of any existing building or other structure, shall conform to all the bulk regulations set forth in the regulations for the district in which such building or other structure is located, and to all other applicable regulations of this resolution.

11-13 Establishment of Districts

In order to carry out the purposes and provisions of this resolution, the following districts are hereby established:

Residence Districts

- R1 Single-Family Detached Residence District
- R2 Single-Family Detached Residence District
- R3 General Residence District
- R4 General Residence District
- R5 General Residence District
- R6 General Residence District
- R7 General Residence District
- R8 General Residence District
- R9 General Residence District

Commercial Districts

- C1-1 Local Retail District
- C1-2 Local Retail District
- C1-3 Local Retail District
- C1-4 Local Retail District
- C2-1 Local Service District
- C2-2 Local Service District
- C2-3 Local Service District
- C2-4 Local Service District
- C3 Waterfront Recreation District
- C4-1 General Commercial District
- C4-2 General Commercial District
- C4-3 General Commercial District
- C4-4 General Commercial District
- C4-5 General Commercial District
- C4-6 General Commercial District
- C4-7 General Commercial District
- C5-1 Restricted Central Commercial District
- C5-2 Restricted Central Commercial District
- C5-3 Restricted Central Commercial District
- C6-1 General Central Commercial District
- C6-2 General Central Commercial District
- C6-3 General Central Commercial District
- C7 Commercial Amusement District
- C8-1 General Service District
- C8-2 General Service District
- C8-3 General Service District

Manufacturing Districts

- M1-1 Light Manufacturing District (High Performance)
- M1-2 Light Manufacturing District (High Performance)
- M1-3 Light Manufacturing District (High Performance)
- M1-4 Light Manufacturing District (High Performance)
- M1-5 Light Manufacturing District (High Performance)
- M1-6 Light Manufacturing District (High Performance)
- M2-1 Medium Manufacturing District (Medium Performance)
- M2-2 Medium Manufacturing District (Medium Performance)
- M2-3 Medium Manufacturing District (Medium Performance)
- M2-4 Medium Manufacturing District (Medium Performance)
- M3-1 Heavy Manufacturing District (Low Performance)
- M3-2 Heavy Manufacturing District (Low Performance)

Underlined words in text are defined in Section 12-10.

11-14 Incorporation of Maps

The location and boundaries of the districts established by this resolution are shown upon the zoning maps, which are hereby incorporated into this resolution. The said zoning maps in their entirety, including all amendments thereto, shall be as much a part of this resolution as if fully set forth and described herein.

11-20 INTERPRETATION OF PROVISIONS

11-21 Provisions are Minimum Requirements

In their interpretation and application, the provisions of this resolution shall be considered as the minimum requirements to promote and to protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare, and in particular:

- (a) To promote the purposes set forth in the preamble to this resolution and in the statements of legislative intent for the respective districts or groups of districts, and
- (b) To provide a gradual remedy for existing conditions which are detrimental thereto.

11-22 Application of Overlapping Regulations

Whenever any provision of this resolution and any other provision of law, whether set forth in this resolution or in any other law, ordinance, or resolution of any kind, impose overlapping or contradictory regulations over the use of land, or over the use or bulk of buildings or other structures, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

11-23 Existing Private Agreements

This resolution is not intended to abrogate or annul any easement, covenant, or any other private agreement.

11-24 Existing Building Permits11-241 Validity of permits issued prior to adoption or amendment of resolution

In all cases where:

- (a) A building permit has been lawfully issued on the basis of an application showing complete plans for the proposed construction of a new building or other structure, or of an enlargement of an existing building or other structure which requires construction of foundations, and
- (b) The adoption of this resolution, or of any subsequent amendment thereto, would make the completed building or other structure non-conforming or non-complying,

construction may nevertheless be continued in accordance with the building permit, if construction of the foundations has been completed prior to the effective date of such adoption or amendment. A certificate of occupancy may be issued for such non-conforming or non-complying building or other structure if it is completed within two years of the effective date of such adoption or amendment.

11-242 Revocation of permits issued prior to adoption or amendment of resolution

A building permit shall be automatically revoked and may be renewed by the Board of Standards and Appeals in accordance with the provisions of Section 73-61 (Renewal of Automatically Revoked Building Permits) upon an application taken within 30 days of the date of such automatic revocation, in the following cases:

11-242 Revocation of permits issued prior to adoption or amendment of resolution,
continued

(a) Whenever a building permit has been issued, prior to the effective date of the adoption of this resolution or of any subsequent amendment thereto, authorizing construction of a new building or other structure or of an enlargement of an existing building or other structure which requires the construction of foundations, and such construction of foundations has not been completed prior to the effective date of such adoption or amendment, or

(b) Whenever the construction permitted in Section 11-241 (Validity of permits issued prior to adoption or amendment of resolution) has not been completed and a certificate of occupancy issued therefore within two years of the effective date of such adoption or amendment, or

(c) Whenever a building permit issued prior to the effective date of the adoption of this resolution or of any subsequent amendment thereto, authorized an enlargement which does not require the construction of foundations.

11-25 Separability

It is hereby declared to be the legislative intent that, if any provision or provisions of this resolution, or the application thereof to any zoning lot, building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this resolution shall continue to be separately and fully effective, and the application of any such provision to other persons or situations shall not be affected.

11-30 EFFECTIVE DATE

This resolution shall take effect on the date of its adoption by the Board of Estimate. If within 60 days of the date of filing with the Board of Estimate, no action is taken thereon by said Board, this resolution shall take effect on the 61st day after the date of filing.

Chapter 2 Construction of Language and Definitions

12-00 RULES FOR CONSTRUCTION OF LANGUAGE

12-01 Rules Applying to Text of Resolution

The following rules of construction apply to the text of this resolution:

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this resolution and any caption or illustration, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (d) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) A "building" or "structure" includes any part thereof.
- (f) The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- (g) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (h) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either ... or", the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3) "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (i) References within a Section or cross-references to a Section numbered with four digits shall include all following Sections with numbers whose first four digits are identical with such Section number; but references or cross-references to a Section numbered with five digits shall refer only to such specific five-digit Section.

12-02 Rules for Interpretation of Columnar Chart

The columnar chart appearing at the right side of certain pages of this resolution is an integral part of the text of this resolution. When one or more district designations appear in such columnar chart opposite a Section of the text of this resolution, such Section applies to such district or districts. When a Section includes a table, and one or more district designations appear in the columnar chart opposite a specific item or number in such table, such item or number applies specifically to such district or districts only.

A double line drawn across the columnar chart indicates the end of the applicability of a Section to the district or districts designated. A single line underlining an item or number in a table and one or more district designations in the columnar chart indicates that such item or number applies only to such district or districts, but does not end the applicability of the Section to the districts designated in subsequent portions of the table or of the Section.

For a Section in which the columnar chart is not utilized, the provisions of such Section shall be construed to apply to all districts under consideration in the Article in which the Section appears, or, if specified, only to those districts set forth in the Section itself. For this purpose, Article II applies to all Residence Districts, Article III applies to all Commercial Districts, and Article IV applies to all Manufacturing Districts. All other Articles apply to all districts, unless otherwise provided.

12-10

DEFINITIONS

Words in the text or tables of this resolution which are underlined shall be interpreted in accordance with the provisions set forth in this Section.

ACCESSORY USE, or ACCESSORY

An "accessory use" is a use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading berths) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

- (a) Residential accommodations for servants
- (b) Residential accommodations for caretakers, on the same zoning lot with any use listed in Use Groups 3 through 18, inclusive
- (c) Keeping of domestic animals, but only for personal enjoyment, household use, or for cultivation of the soil, and not including a commercial stable or kennel
- (d) Swimming pools for the use of the occupants of a residence or their guests
- (e) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure
- (f) Home occupations
- (g) In a large-scale residential development, an area (or areas) totaling not more than two percent of the total floor area, which is used for commercial uses listed in Use Group 6A, with no single commercial establishment occupying more than 5,000 square feet of floor area, and provided that the City Planning Commission makes the following special findings:
 - (1) That the commercial uses will be used primarily by the residents of the development, and
 - (2) That the commercial uses will make available more convenient shopping facilities for the residents of the development, and that they are so located as not to interfere with residential or recreational areas in the development, and
 - (3) That the commercial uses are so located that they will not create traffic congestion or other objectionable influences affecting residential zoning lots outside the development.
- (h) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays
- (i) Incinerators incidental to a principal use
- (j) Storage of merchandise normally carried in stock in connection with a commercial use or a manufacturing use, unless such storage is excluded in the applicable district regulations
- (k) Storage of goods used in or produced by manufacturing uses or related activities, unless such storage is excluded in the applicable district regulations
- (l) The removal for sale of sod, loam, clay, sand, gravel, or stone in connection with the construction of a building or other structure on the same zoning lot, or in connection with the regrading of a zoning lot, but in the latter case not below the legal street grade
- (m) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located
- (n) Accessory off-street loading berths, subject to the accessory off-street loading regulations for the district in which the zoning lot is located
- (o) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

BASEMENT

A "basement" is a story partly below curb level, with at least one-half of its height (measured from floor to ceiling) above curb level.

BLOCK

A "block" is a tract of land bounded by streets, public parks, railroad rights-of-way, airport boundaries, bulkhead lines (or shore lines, where no bulkhead lines have been established), or corporate boundary lines of New York City.

BUILDING

A "building" is any structure which:

- (a) Is permanently affixed to the land, and
- (b) Has one or more floors and a roof, and
- (c) Is bounded by either open area or the lot lines of a zoning lot.

A building shall not include such structures as hillboards, fences, or radio towers, or structures with interior surfaces not normally accessible for human use, such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

A building may, for example, consist of a single-family detached residence, a two-family residence, either a row house or a series of row houses (depending on location of lot lines), a row of garden apartments with individual entrances, or an apartment house; a single store or a row of stores (depending on location of lot lines); or a single factory or a loft.

BUILDING, COMPLETELY ENCLOSED

A "completely enclosed building" is a building separated on all sides from the adjacent open area, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows or normal entrances or exit doors. However, a commercial parking garage, or a building containing accessory off-street parking spaces which has less than 50 percent of its outer wall space open, shall be considered a completely enclosed building.

BUILDING, DETACHED

A "detached building" is a building surrounded by yards or other open area on the same zoning lot.

BUILDING, MIXED

A "mixed building" is a building used partly for residential use and partly for a community facility use or a commercial use.

BUILDING OR OTHER STRUCTURE

A "building or other structure" includes any building or any other structure of any kind.

BULK

"Bulk" is the term used to describe the size and mutual relationships of buildings or other structures, and therefore includes:

- (a) The size of buildings or other structures, and
- (b) The area of the zoning lot upon which a residential building is located, and the number of dwelling units within such building in relation to the area of the zoning lot, and
- (c) The shape of buildings or other structures, and
- (d) The location of exterior walls of buildings or other structures, in relation to lot lines, to other walls of the same building, to legally required windows, or to other buildings or other structures, and
- (e) All open areas relating to a building or other structure.

CELLAR

A "cellar" is a story wholly or partly below curb level, with more than one-half its height (measured from floor to ceiling) below curb level.

COMMERCIAL BUILDING

A "commercial building" is a building used only for a commercial use.

COMMERCIAL DISTRICT

A "Commercial District" includes any district whose designation begins with the letter "C".

A "C1 District" includes any district whose designation begins with the symbol "C1".

A "C2 District" includes any district whose designation begins with the symbol "C2".

A "C4 District" includes any district whose designation begins with the symbol "C4".

A "C5 District" includes any district whose designation begins with the symbol "C5".

A "C6 District" includes any district whose designation begins with the symbol "C6".

A "C8 District" includes any district whose designation begins with the symbol "C8".

COMMERCIAL PARKING GARAGE

A "commercial parking garage" is a building or other structure which:

- (a) Is used for the storage of motor vehicles, and
- (b) Is not accessory to a use on the same or another zoning lot.

A commercial parking garage may include the accessory sale of gasoline or motor oil wholly within a building. However, a commercial parking garage shall not include a building or other structure which:

- (a) Is used for automobile repairs, except minor repairs which are solely incidental to the storage of motor vehicles, or
- (b) Is used primarily for the storage of commercial or public utility motor vehicles, or for dead storage of motor vehicles.

COMMERCIAL PARKING LOT

A "commercial parking lot" is any tract of land which:

- (a) Is used for the storage of motor vehicles, and
- (b) Is not accessory to a use on the same or another zoning lot.

However, a commercial parking lot shall not include:

- (a) Any establishment used for automobile repairs, except minor repairs which are solely incidental to the storage of motor vehicles, nor
- (b) Any establishment used exclusively for the storage of commercial or public utility motor vehicles, or for dead storage of motor vehicles.

COMMERCIAL USE

A "commercial use" is any use listed in Use Group 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, or 16.

COMMUNITY FACILITY BUILDING

A "community facility building" is a building used only for a community facility use.

COMMUNITY FACILITY USE

A "community facility use" is any use listed in Use Group 3 or 4.

COURT

A "court" is either an inner court or an outer court.

COURT, DEPTH OF OUTER

The "depth of outer court" is the maximum horizontal distance between the opening of an outer court and the wall opposite such opening, measured perpendicular to the direction of the outer court opening. The opening of an outer court shall be considered the shortest imaginary line which can be drawn between any intersection of a court wall with another wall, and the opposite court wall.

COURT, INNER

An "inner court" is any open, unoccupied area which is bounded by:

- (a) Walls, or
- (b) Walls and lot lines, other than a front lot line, or
- (c) Walls on three sides, with an opening on a side yard or an open area (along a side lot line) extending from the front to the rear of the building and having a minimum width of less than 30 feet at any point.

COURT RECESS, INNER

An "inner court recess" is any portion of an inner court which cannot be included within the smallest horizontal rectangle which may be inscribed within such inner court.

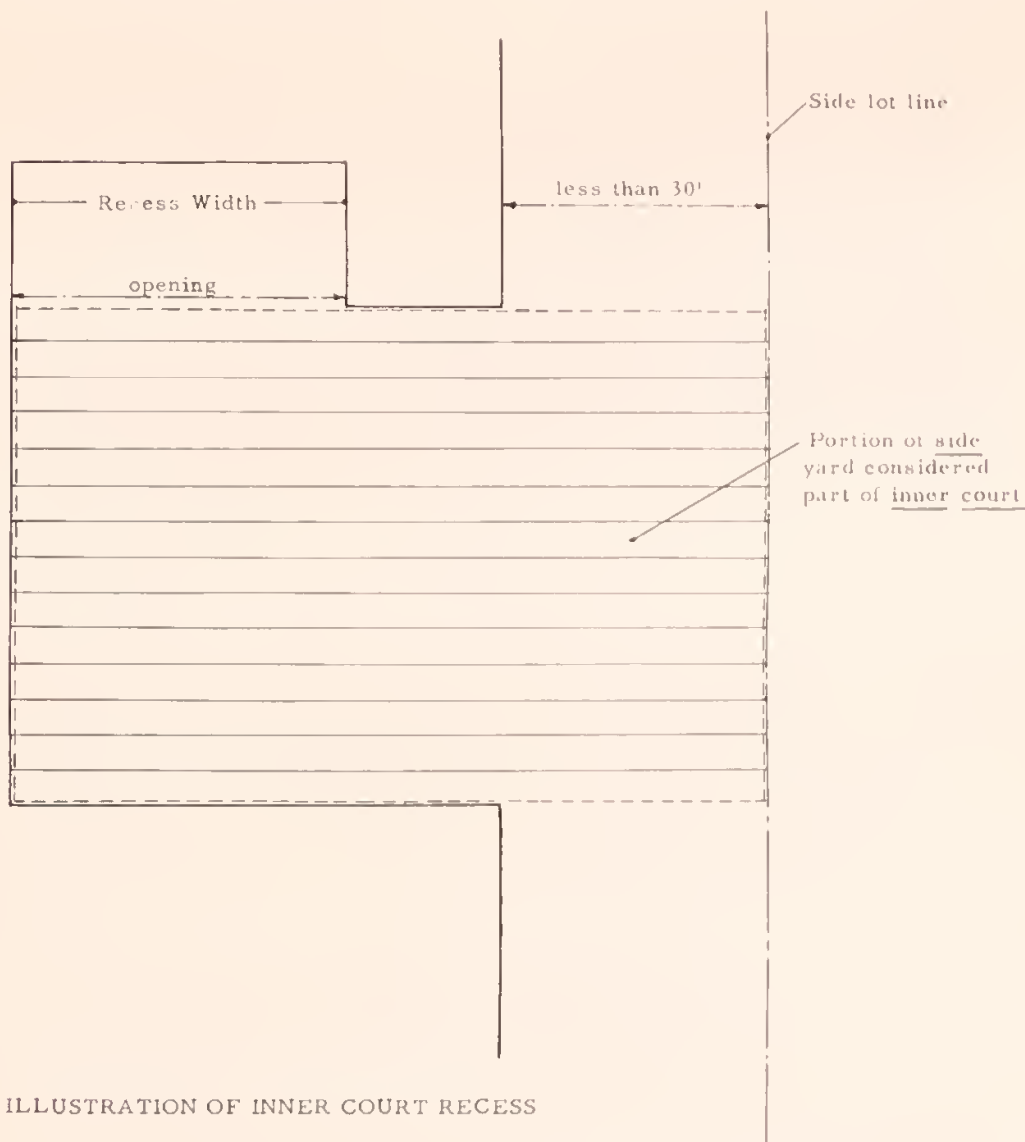


ILLUSTRATION OF INNER COURT RECESS

COURT, OUTER

An "outer court" is any open, unoccupied area, other than a yard, which

- (a) Is bounded by walls or by walls and a lot line, and
- (b) Opens on a front lot line, a front yard or other open area along a front lot line, a required rear yard or other open area along a rear lot line, or an open area along a side lot line extending from the front to the rear of the building and having a minimum width of at least 30 feet.

COURT RECESS, OUTER

An "outer court recess" is any portion of an outer court which, when viewed directly from above, cannot be covered by imaginary lines drawn perpendicular to a line drawn across the outer court opening.

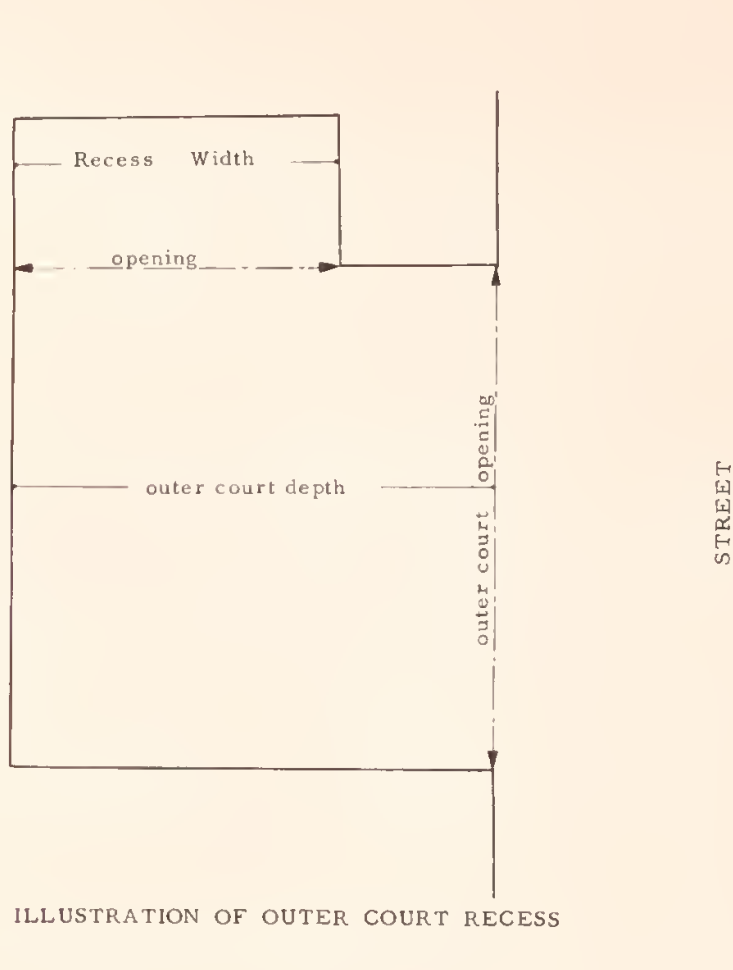


ILLUSTRATION OF OUTER COURT RECESS

COURT, WIDTH OF OUTER

The "width of outer court" is the minimum horizontal dimension of an outer court, excluding an outer court recess, measured parallel to the opening of such outer court.

CURB LEVEL

"Curb level" is the mean level of the curb adjoining a zoning lot. On corner lots, curb level is the average of the mean levels of the adjoining curbs on the intersecting streets, except that, for the purpose of regulating and determining the area of yards, courts, or other open areas on corner lots, the curb level is the highest of the mean levels of the curbs on the intersecting streets.

DEVELOPMENT, or to DEVELOP

A "development" includes the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

To "develop" is to create a development.

DWELLING UNIT

A "dwelling unit" is a room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or by a person living alone. For the purposes of this definition, a family shall mean either a person occupying a dwelling and maintaining a household with not more than two boarders, roomers, or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than two boarders, roomers, or lodgers.

ENLARGEMENT, or to ENLARGE

An "enlargement" is an increase in floor area of an existing building, or an increase in size of an existing structure, or an increase in the area of land used for an existing open use. A structural alteration in a building which does not increase floor area shall not be defined as an enlargement.

To "enlarge" is to create an enlargement.

EXTENSION, or to EXTEND

An "extension" is an increase in the amount of existing floor area used for an existing use in an existing building.

To "extend" is to develop an extension.

FLOOR AREA

"Floor area" is the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. In particular, floor area includes:

- (a) Basement space
- (b) Elevator shafts or stairwells at each floor
- (c) Floor space used for mechanical equipment
- (d) Floor space in penthouses
- (e) Attic floor space (whether or not a floor has been laid) providing structural headroom of seven feet, six inches or more
- (f) Floor space in balconies or mezzanines, interior or exterior
- (g) Floor space in enclosed porches
- (h) Floor space in accessory buildings, except for floor space used for accessory off-street parking
- (i) Any floor space used for residential use, no matter where located within the building
- (j) Terraces, breezeways, or open porches, provided that more than 50 percent of the perimeter of such terrace, breezeway or open porch is enclosed
- (k) Floor space used for accessory off-street loading berths in excess of 200 percent of the amount required by the applicable district regulations
- (l) Floor space used for permitted or required accessory off-street parking spaces located more than 23 feet above curb level.

However, the floor area of a building shall not include:

- (a) Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths
- (b) Elevator or stair hulkheads, accessory water tanks, or cooling towers
- (c) Uncovered steps

FLOOR AREA, continued

- (d) Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet, six inches
- (e) Terraces, breezeways, or open porches, provided that not more than 50 percent of the perimeter of such terrace, breezeway or open porch is enclosed
- (f) Floor space used for accessory off-street loading berths, up to 200 percent of the amount required by the applicable district regulations
- (g) Floor space used for permitted or required accessory off-street parking spaces located not more than 23 feet above curb level.

FLOOR AREA RATIO

The "floor area ratio" of a building or buildings or zoning lot is the number of square feet of floor area in such building or buildings for each 100 square feet of lot area. Each square foot of floor area per 100 square feet of lot area is referred to as one point. (For example, in a district where the maximum floor area ratio is 200, a building containing 20,000 square feet of floor area may be constructed on a zoning lot of 10,000 square feet.)

GROUP PARKING FACILITY

A "group parking facility" is a building or other structure or a tract of land, used for the storage of motor vehicles, which contains more than one parking space, which has access to the street common to all spaces, and which, if accessory to a residential use, is designed to serve more than one dwelling unit. A group parking facility shall include, but is not limited to, the following:

- (a) An open parking area
- (b) Parking spaces included within, or on the roof of, a building not primarily used for parking
- (c) A building or buildings used primarily for parking, including a group of individual garages.

HOME OCCUPATION

A "home occupation" is an accessory use which:

- (a) Is customarily carried on in a dwelling unit or in an accessory building, and
- (b) Is carried on by an occupant of the dwelling unit, and
- (c) Is clearly incidental or secondary to the residential use of the dwelling unit, and
- (d) Conforms to the following additional conditions:
 - (1) The home occupation shall be carried on entirely in the dwelling unit or within an accessory building.
 - (2) Not more than one person, other than occupants of the dwelling unit, shall be employed in the home occupation.
 - (3) Not more than 500 square feet of floor area shall be devoted to home occupations in any dwelling unit or building accessory thereto.
 - (4) Articles sold or offered for sale shall be limited to those produced in the dwelling unit or within the accessory building.
 - (5) There shall be no exterior display, no exterior sign (except as permitted by the applicable district regulations), no exterior storage of materials, and no other exterior indication of the home occupation, or variation of the residential character of the principal building.
 - (6) No offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects shall be produced.

In particular, a home occupation includes, but is not limited to, the following:

- (a) Artist's studio
- (b) Dressmaking
- (c) Professional office of a medical or osteopathic physician, dentist, podiatrist, chiroprapist, lawyer, engineer, architect, or accountant

HOME OCCUPATION, continued

- (d) Teaching, with musical instruction limited to a single pupil at a time.

However, a home occupation shall not be interpreted to include the following:

- (a) Barber shop
- (h) Beauty parlor
- (c) Commercial stable or kennel
- (d) Real estate or insurance office.

HOTEL, APARTMENT

An "apartment hotel" is a building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for permanent occupancy, and in which one or more of the following special services are provided:

- (a) Maid service
- (h) Furnishing or laundering of linen
- (c) Telephone, secretarial, or desk service
- (d) Bellboy service

An apartment hotel may include a restaurant or cocktail lounge provided that in Residence Districts such facilities shall be accessible only through the lobby and that no signs shall be visible from the street, except as permitted by the applicable district regulations. An apartment hotel shall not include public banquet halls, hallrooms, or meeting rooms.

HOTEL, TRANSIENT

A "transient hotel" is a building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, or in which other special services are provided in addition to those listed in the definition of apartment hotel. A transient hotel may include a restaurant or cocktail lounge, public banquet halls, hallrooms, or meeting rooms.

INITIAL SETBACK DISTANCE

An "initial setback distance" is a horizontal distance measured from a street line into a zoning lot for a depth as set forth in the district regulations.

LARGE-SCALE RESIDENTIAL DEVELOPMENT

A "large-scale residential development" includes any tract of land, containing one or more zoning lots, which is developed for residential purposes under single ownership or control, and which has either:

- (a) An area of at least 20 acres, or
- (b) An area of at least three acres, and a total of at least 500 dwelling units.

LEGAL CAPACITY

The "legal capacity" of places of public assembly is the number of persons permitted by the Department of Buildings (as specified in Section C 26-1439.0 of the Administrative Code) to occupy those places of public assembly listed in the Use Groups under parking requirement category D or parking requirement category E, or these same uses when permitted only by special permit.

LEGALLY REQUIRED WINDOWS

"Legally required windows" include all windows in exterior walls serving any interior space in which persons live, sleep, work, or congregate, except:

- (a) In space used for living or sleeping purposes, windows or parts of windows whose area is in excess of 10 percent of the area of rooms used for such purposes, including alcoves adjacent to such rooms (as specified in Section 30 of the Multiple Dwelling Law and in Section C26-261.0 of the Administrative Code), or
- (b) In space not used for living or sleeping purposes, windows or parts of windows whose area is in excess of the area which would provide required ventilation without using mechanical ventilation (as specified in Section C 26-266.0 of the Administrative Code for rooms with windows), or

LEGALLY REQUIRED WINDOWS, continued

(c) Windows in space used for commercial or manufacturing uses, if sufficient mechanical ventilation is provided (as specified in Section C26-266.0 of the Administrative Code for rooms without windows).

For the purposes of this definition, interior space in which persons live, sleep, work, or congregate shall not include water closet compartments, bathrooms, stairs, cooking compartments with less than 59 square feet, laundry rooms, storerooms, or utility rooms. Where two or more windows (or parts thereof) are needed to satisfy the legal requirements for light or ventilation, each such window shall be considered to be a legally required window.

LOT AREA

"Lot area" is the area of a zoning lot.

LOT AREA PER DWELLING UNIT

"Lot area per dwelling unit" is that portion of the lot area required for each dwelling unit located on a zoning lot.

LOT, CORNER

A "corner lot" is a zoning lot bounded entirely by streets, or a zoning lot in which the interior angle formed by the extensions of the street lines in the directions which they take at their intersections with lot lines other than street lines, forms an angle of 135° or less. In the event that any street line is a curve at its point of intersection with a lot line other than a street line, the tangent to the curve at that point shall be considered the direction of the street line. Any portion of a corner lot whose nearest frontage is more than 100 feet from the point of intersection of the two street lines or of the two tangents shall be subject to the regulations applicable to either a through lot or an interior lot.

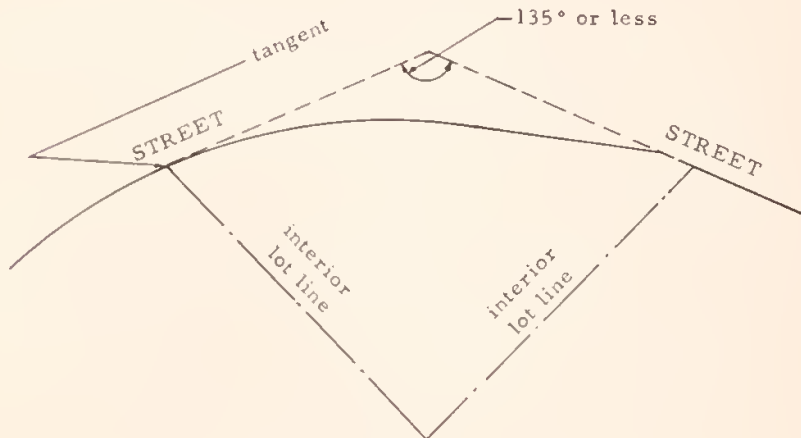


ILLUSTRATION OF CORNER LOT

LOT DEPTH

"Lot depth" is the mean horizontal distance between the front lot line and rear lot line of a zoning lot.

LOT, INTERIOR

An "interior lot" is any zoning lot neither a corner lot nor a through lot.

LOT LINE

A "lot line" is a boundary of a zoning lot.

LOT LINE, FRONT

A "front lot line" is a street line.

LOT LINE, REAR

A "rear lot line" is any lot line, not a front lot line, which is parallel or within 45 degrees of being parallel to a street line. In addition, a rear lot line shall include any portion of a lot line of a through lot which coincides with the rear lot line of an adjoining zoning lot.

LOT LINE, SIDE

A "side lot line" is any lot line which is not a front lot line or a rear lot line.

LOT, THROUGH

A "through lot" is any zoning lot, not a corner lot, which adjoins two street lines which are opposite each other and which are parallel or within 45 degrees of being parallel to each other.

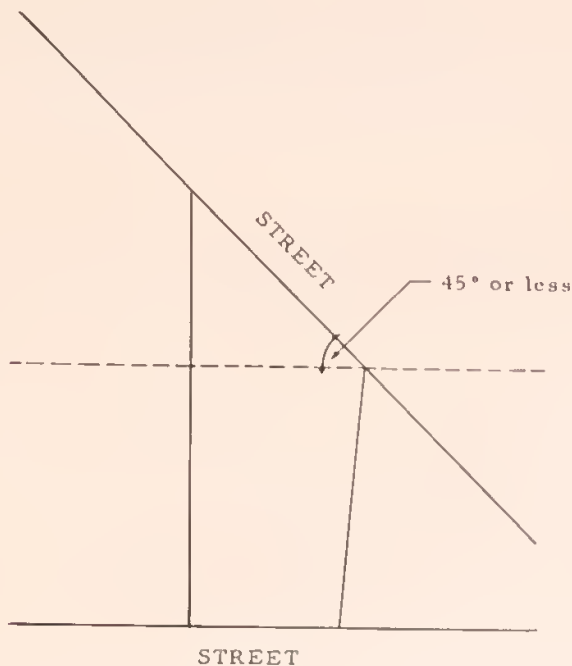


ILLUSTRATION OF THROUGH LOT

LOT WIDTH

"Lot width" is the mean horizontal distance between the side lot lines of a zoning lot.

MANUFACTURING DISTRICT

A "Manufacturing District" includes any district whose designation begins with the letter "M".

An "M1" District includes any district whose designation begins with the symbol "M1".

An "M2" District includes any district whose designation begins with the symbol "M2".

An "M3" District includes any district whose designation begins with the symbol "M3".

MANUFACTURING USE

A "manufacturing use" is any use listed in Use Group 17 or 18.

MOTEL or TOURIST CABIN

A "motel" or "tourist cabin" is a building or group of buildings, including either separate units or a row of units which:

- (a) Contain living or sleeping accommodations primarily for transient occupancy, and
- (h) Have individual entrances.

NON-COMPLYING

A "non-complying" building or other structure is any lawful building or other structure which does not comply with the applicable bulk regulations for the district, either at the effective date of this resolution or as a result of a subsequent amendment thereto.

NON-CONFORMING

A "non-conforming" use is any lawful use, whether of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this resolution or as a result of a subsequent amendment thereto. However, no principal use shall be deemed non-conforming because of failure to provide required accessory off-street parking spaces or required accessory off-street loading berths, nor because of the existence of accessory signs, business entrances, or show windows which are themselves non-conforming uses.

OPEN SPACE

"Open space" is that part of a zoning lot, including courts or yards, which:

- (a) Is open and unobstructed from its lowest level to the sky, and
- (b) Is accessible to all residents upon the zoning lot, and
- (c) Is not part of the roof of that portion of a building containing dwelling units.

The roof of a garage attached to a residential building, or of a garage portion of a residential building, or of a portion of a mixed building used for other than residences may be considered as open space if such roof area:

- (a) Is not higher than 23 feet above curb level, provided that this restriction does not apply to the roof of a portion of a mixed building used for other than residences, and
- (h) Is at least two and one-half feet below the sill level of all legally required windows opening on such roof area, and
- (c) Is directly accessible by a passageway from a building, or by a ramp (with a grade of less than 10 percent) from a building, yard, court, or street, and
- (d) Has no dimension less than 25 feet.

OPEN SPACE RATIO

The "open space ratio" of a zoning lot is the number of square feet of open space on the zoning lot for each 100 square feet of floor area in a building or buildings on that zoning lot. Each square foot of open space per 100 square feet of floor area is referred to as one point. (For example, in a district where the minimum open space ratio is 30, if 20,000 square feet of floor area are contained within a building, the required amount of open space would be 6,000 square feet. Or, if 3,000 square feet of lot area were in open space, 10,000 square feet of floor area could be developed within a building on the same zoning lot.

PLAZA

A "plaza" is an open area accessible to the public, which is either:

- (a) An open area along the front lot line not less than five feet deep (measured perpendicular to the front lot line), or
- (b) An open area on a through lot, extending from street to street and not less than 40 feet wide.

Such a plaza shall not at any point be more than five feet above the curb level of the nearest adjoining street, and shall be unobstructed from its lowest level to the sky, except as provided in Sections 23-44, 33-24 or 43-14 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

PUBLIC PARK

A "public park" is any publicly-owned park, playground, beach, parkway, or roadway within the jurisdiction and control of the Commissioner of Parks, except for parked strips or malls in a street the roadways of which are not within his jurisdiction and control.

RESIDENCE, or RESIDENTIAL

A "residence" is a building or part of a building containing dwelling units or rooming units used primarily for permanent occupancy. For the purposes of this resolution, residences may include all single-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels. However, residences do not include:

(a) Transient accommodations, including accommodations in transient hotels, motels or tourist cabins, or trailer camps, or

(b) In a mixed building, that part of the building used for any non-residential uses, except uses accessory to residential uses.

"Residential" means pertaining to a residence.

RESIDENCE DISTRICT

A "Residence District" includes any district whose designation begins with the letter "R".

RESIDENCE, SINGLE-FAMILY

A "single-family residence" is a building containing only one dwelling unit.

RESIDENCE, TWO-FAMILY

A "two-family residence" is a building containing only two dwelling units.

RESIDENTIAL USE

A "residential use" is any use listed in Use Group 1 or 2.

ROOM

A "room" is a living room, as defined in Section 4 of the Multiple Dwelling Law, within a dwelling unit or rooming unit, except that for the purpose of determining lot area requirements, a kitchen shall not be counted as a room. A room does not include dining bays or dinettes 55 square feet or less in area, foyers, water-closet compartments, bathrooms, cooking spaces less than 59 square feet in area, or public or private halls, corridors, or passageways.

ROOMING UNIT

A "rooming unit" is any room used for "single room occupancy" or any room in a "Class B multiple dwelling", as defined in the Multiple Dwelling Code.

SHOW WINDOW

A "show window" is a window or opening in the exterior wall of any portion of a building used for business purposes through which merchandise, services, business, or signs are displayed or advertised. A window glazed with transparent glass in the business portion of a building, any part of which window is less than six feet above the sidewalk or the established sidewalk grade beneath the window, shall be a show window.

SIGN

A "sign" is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows.

A sign includes any billboard, but does not include the flag, pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit, or of any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

SIGN, ADVERTISING

An "advertising sign" is a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same zoning lot.

SIGN, BUSINESS

A "business sign" is an accessory sign which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same zoning lot. A "for sale" or "for rent" sign relating to the zoning lot on which it is displayed shall be deemed a business sign.

SIGN, FLASHING

A "flashing sign" is any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

SIGN, ILLUMINATED

An "illuminated sign" is any sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.

SKY EXPOSURE PLANE

A "sky exposure plane" is an imaginary inclined plane:

- (a) Beginning above the street line (or, where so indicated, above the front yard line) at a height set forth in the district regulations, and
- (b) Rising over a zoning lot at a slope determined by an acute angle (measured down from the vertical) set forth in the district regulations.

STORY

A "story" is that part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratio) and the ceiling immediately above.

STREET

A "street" is:

- (a) A way shown on the City Map, or
- (b) A way designed or intended for general public use to provide a principal means of approach for vehicles or pedestrians from a way shown on the City Map to a building or other structure, and which performs the functions usually associated with a way shown on the City Map. A driveway which serves only to give vehicular access to an accessory parking or loading facility, or to allow vehicles to take on or discharge passengers at the entrance to a building, shall not be considered a street.

STREET LINE

A "street line" is a lot line separating a street from other land.

STREET, NARROW

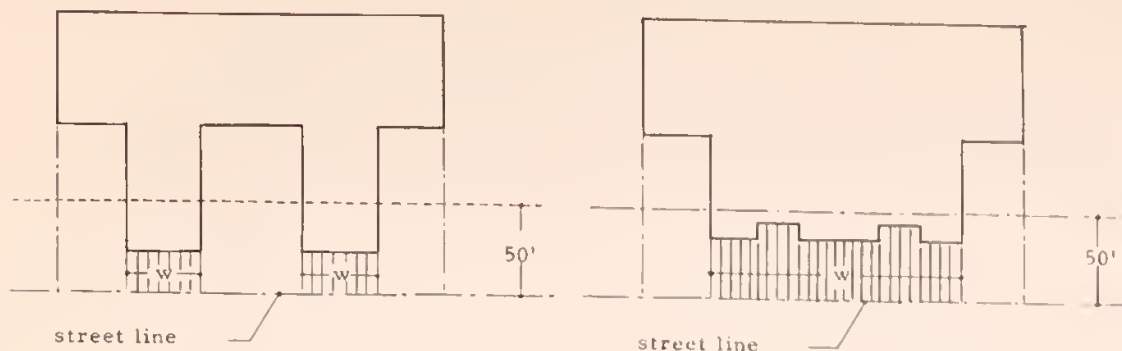
A "narrow street" is any street less than 75 feet wide.

STREET WALL

A "street wall" is a wall or portion of a wall of a building facing a street.

STREET WALLS, AGGREGATE WIDTH OF

The "aggregate width of street walls" at any given level is the sum of the maximum widths of all street walls of a building within 50 feet of a street line. The width of a street wall is the length of the street line from which, when viewed directly from above, lines perpendicular to the street line may be drawn to such street wall.



w is the aggregate width of street walls.

ILLUSTRATION OF AGGREGATE WIDTH OF STREET WALLS

STREET, WIDE

A "wide street" is any street 75 feet or more in width.

TRAILER

A "trailer" is a vehicle:

- (a) Used for living or sleeping purposes, and
- (b) Standing on wheels or on rigid supports.

TRAILER CAMP

A "trailer camp" is a tract of land:

- (a) On which two or more trailers are parked, or
- (b) Where public parking space for two or more trailers is provided.

USE

A "use" is the term employed to refer to:

- (a) Any purpose for which buildings or other structures or land may be arranged, designed, intended, maintained, or occupied (as, for example, residences) or
- (b) Any occupation, business, activity, or operation carried on, or intended to be carried on, in a building or other structure or on land (as, for example, a food store) or
- (c) A name of a building or other structure or tract of land which indicates the purpose for which it is arranged, designed, intended, maintained or occupied (as, for example, a court house).

YARD

A "yard" is that portion of a zoning lot extending open and unobstructed from the lowest level to the sky along a lot line, and from the lot line for a depth or width set forth in the applicable district regulations.

YARD EQUIVALENT, REAR

A "rear yard equivalent" is an open area which may be required on a through lot as alternative to a required rear yard.

YARD, FRONT

A "front yard" is a yard extending along the full length of the front lot line between the side lot lines of a zoning lot.

YARD LINE, FRONT

A "front yard line" is a line drawn parallel to a front lot line at a distance therefrom equal to the depth of a required yard.

YARD, REAR

A "rear yard" is a yard extending for the full length of the rear lot line between the side lot lines of a zoning lot.

YARD, SIDE

A "side yard" is a yard extending along a side lot line from the required front yard (or from the front lot line if no front yard is required) to the required rear yard (or to the rear lot line, if no rear yard is required).

ZONING LOT

A "zoning lot" is a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot may be subsequently subdivided into two or more zoning lots subject to the provisions of this resolution. A zoning lot therefore may or may not coincide with a lot as shown on the official tax maps of the City of New York, or on any recorded subdivision plat or deed.

ZONING MAPS

"Zoning maps" are the maps incorporated into this amended resolution as a part thereof in accordance with the provisions of Section 11-14 (Incorporation of Maps).

ARTICLE II

RESIDENCE DISTRICT REGULATIONS

Chapter I Statement of Legislative Intent

21-00

GENERAL PURPOSES OF RESIDENCE DISTRICTS

The Residence Districts established in this resolution are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

- (a) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the City's present and expected future population, with due allowance for the need for a choice of sites.
- (b) To protect residential areas against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
- (c) To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds.
- (d) To protect residential areas against congestion, as far as possible, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, by providing for open space on the same zoning lot with residential development, and by providing for off-street parking spaces.
- (e) To provide for access of light and air to windows and for privacy, as far as possible, by controls over the spacing and height of buildings and other structures.
- (f) To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of the nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences.
- (g) To provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms.
- (h) To promote the most desirable use of land in accordance with a well-considered plan, to promote stability of residential development, to protect the character and established pattern of desirable development in each area, to conserve the value of land and buildings, and to protect the City's tax revenues.

21-10

PURPOSES OF SPECIFIC RESIDENCE DISTRICTS

21-11 R1 and R2 Single-Family Detached Residence Districts

These districts are designed to provide a suitable open character for single-family detached dwellings at low densities. These districts also include community facilities and open uses which serve the residents of these districts or are benefited by an open residential environment.

21-12 R3, R4, R5, R6, R7, R8 and R9 General Residence Districts

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on density, open space, and spacing of buildings. The various districts are mapped in relation to a desirable future residential density pattern, with emphasis upon accessibility to transportation facilities and to various community facilities, and upon the character of existing development. These districts also include community facilities and open uses which serve the residents of these districts or are benefited by an open residential environment.

Explanation of Residential Use Regulations

In the proposed zoning resolution, three broad categories of zoning districts are proposed, namely, Residence Districts, Commercial Districts, and Manufacturing Districts. These major categories of districts are further subdivided to provide for all the anticipated uses normally found in a large modern city and to guide the extraordinary range of development to be found within New York City. For example, a number of residential districts are needed to permit the range of residential development from the typical single-family areas of outer Queens to the apartment and apartment hotel areas of central Manhattan. Similarly, commercial districts must provide for services with a range from the corner grocery to automobile repair, and for locations and functions ranging from a local shopping center in Richmond to the prestige retail and office concentration on Fifth Avenue in Manhattan.

Use Groups

A major phase of the preparation of the proposed resolution was the analysis of all the present and anticipated uses of land in New York City. On the basis of an analysis of their similarity of function as well as compatibility with one another and with adjacent districts, all land uses subject to zoning have been classified into 18 groups. These groups of uses -- called Use Groups -- have been carefully tested and modified by field work in each Borough as a part of the process of drawing the new zoning maps.

The Use Groups are an integral part of the proposed use regulations and might be described as building blocks placed on the foundation of the proposed use districts to form the basis of the regulation of the use of land. Each of the proposed use districts permits

one or more appropriate Use Groups. The Use Groups constitute:

- 1) A simple method of establishing what types of uses are permitted in each district, as well as the relationship between groups of uses.
- 2) A flexible device for achieving the unique combination of uses required for each of the proposed use districts.
- 3) An effective tool for relating the various types of uses to the proposed non-conforming regulations.

The eighteen Use Groups fall into six major categories: residential uses; community facilities; retail and commercial uses; recreation; general service uses; and manufacturing and related uses. For example, the first two Use Groups are the residential Use Groups containing the two primary categories of residential use.

The Use Groups are set forth in the three chapters of the proposed resolution which contain, respectively, the residential, commercial, and manufacturing use regulations. Each Use Group contains a general description of the types of uses contained therein, a list of the uses comprising it, and a chart showing the districts in which it is permitted. In addition, the appropriate part of the accompanying illustrative diagram, showing the Use Groups permitted in each district, is contained in each use chapter. The blank squares mean that certain Use Groups are not permitted in certain districts. For example, residential uses -- Use Groups 1 and 2 -- are not permitted in C8 (General Service) Districts nor in the three Manufacturing Districts -- M1, M2, and M3.

USE GROUPS PERMITTED IN ZONING DISTRICTS

DISTRICTS		USE GROUPS																	
		RESIDENTIAL		COMMUNITY FACILITIES		RETAIL AND COMMERCIAL						RECREATION				GEN SER- VICE	MANUFACTURING		
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
RESIDENCE																			
SINGLE FAMILY DETACHED RESIDENCES	R1 R2																		
GENERAL RESIDENCE	R3- R9																		
COMMERCIAL																			
LOCAL RETAIL	C1																		
LOCAL SERVICE	C2																		
WATERFRONT RECREATION	C3																		
GENERAL COMMERCIAL	C4																		
RESTRICTED CENTRAL COMMERCIAL	C5																		
GENERAL CENTRAL COMMERCIAL	C6																		
COMMERCIAL AMUSEMENT	C7																		
GENERAL SERVICE	C8																		
MANUFACTURING																			
LIGHT MANUFACTURING	M1																		
MEDIUM MANUFACTURING	M2																		
HEAVY MANUFACTURING	M3																		

Residential Use Groups (Section 22-10)

The Residence Districts are designed to provide a suitable environment for homes and for activities connected with family life -- schools, churches, parks and playgrounds, and similar facilities. The uses permitted in Residence Districts are in line with this objective. Two major categories of Use Groups are permitted in Residence Districts -- residential and community facilities.

Two residential Use Groups are proposed -- Use Group 1, which is limited to single-family detached residences, and Use Group 2, in which all other types of residential buildings are permitted. Each Use Group, with its preamble and the list of uses comprising it, is set forth in Section 22-10 of the proposed resolution, and is accompanied by a columnar chart showing the Residence Districts in which it is permitted. Both of these Use Groups also permit accessory uses, such as off-street parking and home occupations. Home occupations are limited to those activities customarily carried on in residential structures by their residents and include such activities as medical offices or dressmaking shops. Only one non-resident employee is permitted.

Both of the residential Use Groups are permitted in all non-residential districts except those of an industrial or semi-industrial character. It is proposed that future residential construction be prohibited in the General Service District (CS) and the three Manufacturing Districts, both to keep new residences from areas inappropriate for living and to preserve the existing supply of industrial land for industrial uses.

Two groups of community facilities are proposed -- Use Group 3, which is limited to schools, libraries, museums, and a few other types of institutions serving residential neighborhoods, and Use Group 4, which includes churches, hospitals, community centers, and similar facilities. Both Use Groups are permitted in all Residence Districts, the major difference between them being that facilities in Use Group 3 are not permitted as of right in Manufacturing or General Service (CS) Districts. This distinction is of considerable importance, for it means that schools will not normally be permitted in the districts characterized by heavy traffic, dirt, or noise.

The community facilities in Use Groups 3 and 4 are limited to those which either directly serve local residential neighborhoods or function best when located in an area having the amenities that exist in such neighborhoods. Schools, libraries, churches, museums, community centers, non-commercial recreational centers, doctors' offices, and most of the other facilities in these Use Groups are of immediate benefit to the neighborhoods in which they are located. A few facilities, such as colleges and universities, hospitals, homes for children or the aged, nursing homes, and fraternal or philanthropic institutions, in general serve a larger area than the immediate neighborhood in which they are located, although they, too, need to be located in a residential environment. In order that such facilities not be disruptive to their immediate surroundings, special bulk and parking regulations are established in the proposed resolution.

A special study was made to determine whether such facilities as hospitals, health centers, and nursing homes could be appropriately located in Residence Districts, particularly low-density areas. Officials of hospitals, health centers, and other community service agencies were interviewed. Two marked trends were apparent: 1) the establishment of general hospitals rather than the specialized service institutions, and 2) the increasingly broader use of hospitals and health centers by the local community. It was clear from these studies that the location of such facilities in residential neighborhoods was essential if they were to perform their functions for the greatest benefit of the people they are designed to serve.

Another trend disclosed by this study was the increasing tendency for private physicians to locate their offices within hospitals, where their patients

can have the use of the hospitals' diagnostic and treatment facilities. This trend reinforced the desirability of locating the hospital as near as possible to the homes of the families served by the physician.

The importance of locating homes for children or the aged and nursing or convalescent home in pleasant, quiet residential areas was also repeatedly emphasized. Institutions of this type are essentially residential in character and when carefully controlled as to size and the open area required around them, need have no harmful effects upon the neighborhood in which they are located. The light, air, spaciousness, privacy, and freedom from noise, dirt, or congestion uniformly needed by such institutions can only be found in a residential area. The proposed resolution carefully limits their building bulk and requires that parking and other facilities be provided so as to insure their compatibility with the surrounding neighborhood.

Proposed Residence Districts

Nine Residence Districts -- R1 to R9 -- are proposed. The R1 and R2 Districts are designed for and restricted to the single-family detached homes permitted in Use Group 1. These two districts have been designated on the proposed zoning maps only in those areas in which somewhat similar restrictions are in effect in the present resolution. Thus, the R1 Districts are zoned in areas presently in G Districts, and the R2 in areas presently zoned G-1. The major difference between these two districts is the minimum required lot size. The R1 and R2 Districts are the lowest density districts and are proposed primarily in the outlying portions of the City.

The remaining Residence Districts -- R3 to R9 -- are General Residence Districts which permit all dwelling types (Use Group 2 as well as Use Group 1.) The General Residence Districts are designed, as explained below, to give developers the maximum possible degree of freedom of design and flexibility of choice, subject to the density and other bulk regulations for each district.

The General Residence Districts

The proposed General Residence Districts are a departure from the traditional zoning approach based on various building types such as single-family dwellings, single-family row houses, and other structural types. An increasing number of modern zoning ordinances reflect the widely recognized fact that it is not different building types as such which are incompatible, but rather the conditions under which they have been allowed to develop alongside one another. If an apartment house is surrounded by enough open space on all sides, if the lot on which it is built is large enough in relation to the size of the building, and if the number of families per acre is no higher than that of adjacent single- or two-family dwellings, there is no incompatibility between the two building types. This fact has been successfully demonstrated in several contemporary large-scale developments in New York City, where different kinds of dwelling units have been skillfully integrated into a harmonious and attractive pattern.

The appropriate concern of zoning in relation to residential areas, then, is that of establishing controls over densities and bulks. Because any building form can be built and located in such a way as to meet any density standard, it is obvious that density control cannot provide the basis for building type zoning, and, conversely, building type zoning cannot be depended on to regulate density, except, possibly, the single-family detached zone. There are garden apartment developments in the City, for example, which are built with fewer dwellings per acre of land than some single-family or two-family neighborhoods; similarly, there are districts of two-family row houses which have a higher population density than many new six-story apartment buildings.

The Present District Structure

The present zoning resolution originally established

general residence districts distinguished one from another only by the height of the buildings permitted and by the percent of land coverage allowed. It was not until 1938, when the C District was created, that the resolution was amended to limit the type of structures that might be built within a given residential area.

The C District was intended to protect single-family home areas from invasion by apartment houses. In 1940, the D-1 and E-1 Districts were established. The D-1 District until November, 1957 permitted single-family detached, semi-detached, or row houses, but since that date has also permitted two-family structures of the same three kinds. The E-1 District originally permitted only single-family and two-family detached dwellings, but in 1955 its scope was broadened to include one- and two-family semi-detached structures, while at the same time a new E-2 District was created to maintain the more severe limitations originally applying to the E-1 District. In 1947, a C-1 District was created with smaller lot area requirements than the C District but also limited to single-family detached houses. In the last two decades, then, the number of different building type districts created has reached five, with no apparent limit to the possible combinations of building types for which a new district might be set up in the future.

The emergence of building type districts was a natural reaction to the violation of the low-density character of many neighborhoods as apartment buildings of considerable bulk and density came into such districts. Such buildings, often covering a very high percentage of the land on which they were built, frequently encroached upon single- or two-family dwellings, overshadowing them, cutting off their light and air, over-crowding the neighborhood schools and playgrounds, flooding the streets with automobiles, and generally destroying the former amenities which had attracted people to the area. Building type zoning, however, is at best a palliative rather than a preventive of such abuses.

Advantages of General Residence Districts

The proposed resolution provides, in its density, open space, and bulk regulations, ample protection against a repetition of earlier abuses, while at the same time avoiding the monotony which so often results from the restriction of an area to a single building type. Further, the proposed General Residence Districts will permit the residential developer and the home buyer or renter to exercise the greatest possible choice in determining or finding an appropriate structural type for an area in which he wishes to build or to live. Aside from the single-family detached residence, which offers a kind of privacy unavailable in any other housing form, no other structural type warrants a separate district. Each type offers certain advantages in residential living; each type can be an asset to a neighborhood if well designed and laid out, or a liability if improperly used or located. Zoning should and can establish qualitative controls over each structural type in order to prevent any structural type from destroying the physical character of a neighborhood. Thus, for example, to prevent the damaging aesthetic effect of long unbroken walls in low density areas, the maximum length of row houses is limited in the proposed resolution.

The proposed General Residence Districts conform to New York City's actual residential land use pattern and historical way of life. Vast areas of the City -- especially many lower density areas -- have developed as stable communities comprised of a wide variety of residential building types. Since many areas of the City contain so many different residential building types, it would be impossible to apply building type districts comprehensively throughout the City without creating a large number of residential non-conforming uses.

There are social as well as physical arguments in favor of zoning which permits a mixture of building types. Cities in general, and New York in particular, are characterized as meeting places of people with different interests and different backgrounds. The

architecture of cities reflects this fact. The best planned urban residential neighborhoods have been those which have taken into account the diverse ways in which city residents choose to live. The needs of different types of families vary. Old couples, young couples, families with many children, and single persons must all be provided for in the City. Zoning regulations should not be drawn to force these family types into separate areas. Rather, the regulations should be framed to permit the maximum amount of choice of building types, sizes of apartments, and patterns of development, while still maintaining adequate standards of density and open spaces. Such variety and flexibility within a district create neighborhood stability because they permit a family to remain in a neighborhood as its need for space changes. In this way, parents and their married children can find suitable homes not too far from one another, thus combining the advantages of the "three-generation" home of the past with the modern preference for independence and privacy.

The proposed General Residence Districts -- R3 to R9 -- are believed to provide the best possible combination of protection and flexibility, of restriction and freedom. To summarize, they are designed to:

- 1) Stimulate construction of improved kinds of residential development by providing greater freedom of choice and flexibility of design.
- 2) Encourage less monotony and a greater variety of suitable dwelling types within a neighborhood characterized by a given density or bulk.
- 3) Require higher standards of open space, light, and air where low- or medium-density multiple dwellings are intermingled with one- or two-family houses.
- 4) Encourage neighborhood stability by providing a cross-section of dwelling types to meet the needs of families of varying ages and sizes.
- 5) Provide ample protection to existing or future residences against the encroachment of unsuitable kinds of development, while at the same time encouraging the variety and initiative which are essential ingredients of a healthy urban environment.

Description of Residence Districts

The proposed Residence Districts incorporate regulations over use of land as well as provisions governing building bulk (size and population density) and off-street parking requirements in one and the same district. A description of each of these districts follows. The bulk and off-street parking regulations to which reference is made in the district descriptions are fully explained in the explanatory reports accompanying the proposed residential bulk regulations (Article II, Chapter III,) and the proposed off-street parking regulations (Article II, Chapter IV). Briefly, three kinds of bulk controls are involved:

- 1) Density, or the number of dwelling units permitted per acre of lot area. This varies by the number of rooms per dwelling unit. For example, on a given lot in a given district, a builder might be permitted to build twenty-four two-room units, or fifteen six-room units, or a combination of six three-room units and eleven five-room units. This control is expressed in the resolution in terms of a specified number of square feet of lot area required for each dwelling unit of a given number of rooms, kitchens excluded. In any District, dwelling units of any number of rooms can be built in any combination, so long as the required lot area is provided.
- 2) Open Space Ratio, or the number of square feet of open space provided on the lot for each 100 feet of the total floor area in the building. Thus, if a builder puts a six-story building covering 10,000 square feet on a lot of 30,000 square feet, he has 20,000

square feet of open space and 60,000 square feet of floor space, or an Open Space Ratio of 33.

- 3) Floor Area Ratio, or the number of square feet of total floor area in the building for each 100 feet of lot area. Thus, in the above example, the builder has 60,000 square feet of floor area and 30,000 square feet of lot area, or a Floor Area Ratio of 200.

R1 Districts

R1 Districts are restricted to single-family detached residences on lots at least 60 feet wide and with an area of at least 5,700 square feet. The required minimum lot area of 5,700 square feet is designed to apply to lots of 95 feet in depth as well as lots of normal depth. The minimum lot width of 60 feet was adopted after a careful study of remaining vacant lots in G areas and represents a standard both more desirable and more in line with the existing platting of many such areas. This district has been designated only in areas zoned G in the present resolution, such as Douglaston, Neponsit, and Jamaica Estates in Queens, Riverdale in the Bronx, and the Country Club area on Todt Hill in Richmond. The maximum permitted Floor Area Ratio is 50. The minimum Open Space Ratio is 150. One off-street parking space is required for each dwelling unit.



Open single-family detached residential development found in proposed R1 District, Todt Hill section of Staten Island.

R2 Districts

R2 Districts are restricted to single-family detached residences on lots containing at least 3,800 square feet and with a width of 40 feet. The required minimum lot area of 3,800 square feet is designed to apply to lots of 95 feet in depth as well as lots of normal depth. This district has been designated only in areas presently zoned G-1, such as Whitestone and Belle Harbor in Queens, Midwood in Brooklyn, and Grasmere in Richmond. The same Floor Area Ratio, Open Space Ratio and parking requirements apply in this district as apply in R1 Districts.



Typical single-family detached residence as in proposed R2 District, Outer Queens.

R3 Districts

R3 Districts constitute the lowest-density General Residence Districts. Approximately 34 three-room dwelling units, kitchen excluded, are permitted to the acre. The required Open Space Ratio is 150 and the maximum Floor Area Ratio is 50. Although any type of residential building is permitted, the typical development in this district will consist of single-family residences and two-story garden apartments such as Glen Oaks in Queens. In order to preserve the general open character of the district, row house structures are limited in length to 125 feet. R3 Districts have been zoned widely in those portions of the City which are most remote from the Central Business District and are not served directly by rapid transit, such as parts of outer Queens and Brooklyn, and extensive areas in Richmond. One off-street parking space is required for each dwelling unit.



Garden apartment development typical of proposed R3 District, Glen Oaks, Queens.

R4 Districts

The permitted Floor Area Ratio of 70 and the required Open Space Ratio of 90 in R4 Districts will accommodate two-story detached, semi-detached, or row houses, garden apartments, and mixed developments. The maximum number of three-room dwelling units permitted per acre is 33. This district has been zoned in outlying areas which are generally closer to rapid transit lines than areas designated R3 or which already have achieved the character of this district. Typical areas are College Point in Queens, Throgs Neck in the Bronx, and Canarsie and the Marine Park area in Brooklyn. Again, one off-street parking space is required for each dwelling unit.



Row housing typical of proposed R4 District, East Bronx.

R5 Districts

R5 Districts are basically transition districts between low- and medium-density areas, with a permitted Floor Area Ratio of 100 and a required Open Space Ratio of 60. They differ somewhat from those previously described in that, although a wide range of building types can be accommodated in them, their bulk limitations have been set in large part by extensive existing older areas of Brooklyn and parts of Queens typified by row houses and two-story multiple dwellings. Typical examples of this district are Astoria and Woodhaven in Queens, East New York in Brooklyn, and such developments as Marine Terrace and Kew Gardens Hills. The density level of approximately 48 three-

room dwelling units per acre, kitchens excluded, is particularly appropriate for three-story buildings. Eighty-five percent of the dwelling units must be provided with off-street parking spaces.



Apartment development typical of proposed R5 District. Electchester, Queens.

R6 Districts

The bulk regulations for R6 Districts -- a Floor Area Ratio of 200, a density of approximately 88 three-room dwelling units per acre, and an Open Space Ratio of 30 -- are considered to be the maximum desirable in the City, except for areas located centrally or very close to cultural, commercial, and recreational facilities. Approximately one-quarter to one-third of the City's potential maximum population could reside in the R6 Districts as proposed on the zoning maps. This district can accommodate six-story buildings covering between 30 and 35 percent of a lot, or higher buildings providing greater amounts of open space. Typical areas are Ridgewood in Queens, Parkchester in the Bronx, and the Bedford-Stuyvesant area in Brooklyn. Seventy percent of the dwelling units must be provided with off-street parking spaces.



Desirable high-rise apartment development conforming to proposed R6 District. Queensview, Queens.

R7 Districts

R7 Districts are proposed in many of the most congested older parts of the City which are scheduled for future redevelopment and in some others, such as Riverdale, Jackson Heights, and Rego Park, where recent construction has permitted densities to rise to high levels. Although this district permits bulks and densities higher than desirable, they are considered tolerable levels in special situations where the desirable standards cannot be met. The controlling bulk levels for this district are a Floor Area Ratio of 280, an Open Space Ratio of 20, and a density of about 113 three-room dwelling units per acre, kitchens excluded. This district will accommodate low-coverage

buildings of eight, ten, or more stories, as well as six-story buildings of about 45 percent coverage. The ratio of required off-street parking spaces to dwelling units is set at 60 percent.



High rise apartment development typical of proposed R7 District. Park City, Queens.

R8 Districts

R8 Districts, with a Floor Area Ratio of 450, an Open Space Ratio of 10, and a density of about 210 two-room dwelling units per acre, are designed for centrally located areas relatively near cultural, commercial, and recreational facilities. This district has been designated on the zoning maps along the Grand Concourse in the Bronx and in many parts of Manhattan, as well as in a few central areas of Brooklyn. It is suitable primarily for buildings of ten or more stories. Fifty percent of the dwelling units must be provided with off-street parking spaces.

R9 Districts

R9 Districts have been zoned sparingly, and are found in the luxury apartment areas of Manhattan. The high densities permitted in this district are partially off-set by the typically large size of individual dwelling units in luxury buildings. The permitted Floor Area Ratio for this district is 1,000. There is no required minimum Open Space Ratio, but the 30 foot required rear yard limits lot coverage. The permitted density in this district is about 365 two-room dwelling units per acre, kitchens excluded. Forty percent of the dwelling units in a building must be provided with off-street parking spaces.

Supplementary Use Regulations

Uses Permitted by Special Permit (Section 22-20)

A small number of uses not permitted in Residence Districts by right are proposed to be permitted by special permit of the Board of Standards and Appeals or the City Planning Commission. These uses include day camps, electric and gas substations, fire and police stations, telephone exchanges, water and sewage pumping stations, and railroad passenger stations. All of these uses have unique characteristics which cannot be controlled adequately by the general regulations and therefore require special controls. Standards which insure compatibility with their surroundings are set forth in Article VII.

Sign Regulations (Section 22-30)

Advertising signs and billboards are completely inappropriate in Residential Districts. The only types of signs that are proposed to be permitted in Residential Districts are those identifying a residence, a family, a home occupation (such as a doctor's office), a parking entrance or exit, a community facility, or a dwelling unit for sale or for rent. Community facilities are permitted bulletin boards of limited size on which notices may be posted. In addition, signs are limited in size, and illuminated or flashing signs are prohibited.

GENERAL PROVISIONS

In order to carry out the purposes and provisions of this resolution, the uses of buildings or other structures and of tracts of land have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, and 4, including each use listed separately therein, are permitted in Residence Districts as indicated in Sections 22-11 to 22-14, inclusive.

The following chart sets forth the Use Groups permitted in the Residence Districts.

USE GROUPS
PERMITTED IN RESIDENCE DISTRICTS

DISTRICTS		USE GROUPS			
		RESIDENTIAL		COMMUNITY FACILITIES	
		1	2	3	4
SINGLE FAMILY DETACHED RESIDENCE	R1 R2				
GENERAL RESIDENCE	R3- R9				

Whenever a use is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive use listing, either in the same or another Use Group, the more specific listing shall control.

The uses listed in the various Use Groups set forth in Sections 22-11 to 22-14, inclusive, are also listed in alphabetical order in the Index at the end of this resolution, for the convenience of those using the resolution. Whenever there is any difference in meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.

22-10 USES PERMITTED AS OF RIGHT

22-11 Use Group 1

Use Group 1 consists of single-family detached residential develop-
ment.

A. RESIDENTIAL USES

Single-family detached residences

B. ACCESSORY USES

22-12 Use Group 2

Use Group 2 consists of all other types of residential development designed for permanent occupancy.

A. RESIDENTIAL USES

Residences of all kinds, including apartment hotels, but not including single-family detached residences (which are included in Use Group 1)

B. ACCESSORY USES

[illegible]

Underlined words in text are defined in Section 12-10.

B. ACCESSORY USES

[illegible]

C. ACCESSORY USES

46

USES PERMITTED BY SPECIAL PERMIT

Parking
Require-
ment
Category

22-21 By the Board of Standards and Appeals

In all districts, as indicated, the following uses are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Chapter 3 of Article VII.

Day camps

Public utility or public service facilities

Electric or gas substations serving a distribution area

Fire stations

Police stations

Telephone exchanges

Water or sewage pumping stations

Radio or television towers

Sand, gravel, or clay pits

22-22 By the City Planning Commission

In all districts, as indicated, the following uses are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Chapter 4 of Article VII.

Railroad passenger stations

SIGN REGULATIONS

22-31 Definitions (repeated from Section 12-10)

Sign

A "sign" is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, word, model, banner, flag, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows.

A sign includes any billboard, but does not include the flag, pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit, or of any political, charitable, educational, philanthropic, civic, professional religious, or like campaign, drive, movement, or event.

Sign, business

A "business sign" is an accessory sign which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same zoning lot. A "for sale" or "for rent" sign relating to the zoning lot on which it is displayed shall be deemed a business sign.

22-32 Permitted Accessory Signs

In all districts, as indicated, non-illuminated accessory business signs are permitted as set forth in this Section, subject to the provisions of Section 22-33 (Additional Regulations).

[illegible]

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9

Underlined words in text are defined in Section 12-10.

Underlined words in text are defined in Section 12-10.

Explanation of Residential Bulk Regulations

General Purposes

One of the most important purposes of zoning is to create adequate standards of residential development in order to prevent a recurrence of the overcrowded and unhealthy housing conditions which have long been a major problem of American cities. That an adequate standard of residential development within this City is a proper field for public interest and participation can no longer be an issue for debate. The amount of public investment in housing through slum clearance, redevelopment, renewal, and low and middle income public housing programs, all of which have been conceived to correct the housing mistakes of the past, clearly justifies the creation of standards adequate to protect this investment and prevent further massive public expenditures in the future.

The principal and most important influence of zoning on future residential development is its control over such important factors as building volume, density, and open space -- commonly called bulk controls. In the present resolution the height and area district regulations constitute the bulk controls. Even though these controls have been in operation since 1916, they have not effectively prevented overcrowding and the development of residential areas lacking in light, air, and open space. Furthermore, these controls only partially fulfill the purposes for which they should be designed. The strait jacket imposed on the work of the architect by these complicated and rigid regulations is also widely recognized.



Most of these buildings have inadequate light, air, and open space.

The proposed residential bulk controls are considerably more specific and direct in their effects. Increased knowledge of the significant factors in residential development, such as population density, building volume, coverage, and spacing, and the effects of these factors have led to controls which can more adequately regulate the total effect of residential development. If the total effect can be regulated, then the degree of control necessary over each of the component factors need not be as tightly regulated. By more directly controlling the whole rather than each of the parts, the proposed regulations afford builders and designers a greater degree of freedom in relation to choices of size and shape of residential buildings.

The three major purposes of these controls are:

- 1) To limit the number of people living on a single tract of land or in a neighborhood, both to prevent the overcrowding of the land and buildings and to prevent the overloading of street and transit facilities, schools, parks, and other community facilities in the neighborhood.

- 2) To provide open space on residential lots, both for the use of residents and to provide for adequate spacing of buildings.
- 3) To insure the access of light and air to residential buildings and the public streets.

Controls Over Intensity of Development

The proposed bulk controls may be divided into two broad categories -- controls over the intensity of development, and controls regulating access to light and air. The term "intensity of development" is used to refer to the total effect produced on a lot by the size of a building, the amount of open space surrounding it, and the number of persons residing on the lot.

The following four primary controls described in this section are proposed to control the intensity of development:

- 1) The Floor Area Ratio, which controls the amount of floor area which may be developed on a lot.
- 2) Lot area per dwelling unit regulations, which control population density by limiting the number of dwelling units permitted on a lot.
- 3) The Open Space Ratio, which regulates the amount of open space on a lot.
- 4) Minimum lot area and lot width regulations, which affect the density of development.

Regulation of Building Volume: Floor Area Ratio (Section 17-06)

The Floor Area Ratio device, which is already in use in several of the area districts of the present zoning resolution, has the merit of being a simple, direct, flexible, and enforceable control over the bulk of buildings.

Among the advantages of this device are the following:

- 1) It is generally applicable to both residential and non-residential structures, and therefore can be applied to all districts.
- 2) It provides the developer at a glance with an indication of how much floor area may be developed on a lot.
- 3) The maximum floor area is automatically fixed, and no inducement is provided to lower ceiling heights and thereby squeeze more stories into the permitted volume of the building.
- 4) With the Floor Area Ratio as the basic device controlling building bulk, supplementary bulk devices can be much simpler.

The Floor Area Ratio expresses the relationship between the number of square feet of floor area in a building and each 100 square feet of lot area. A Floor Area Ratio of 50, for example, would allow the amount of floor area in a building to equal one half of the area of the lot upon which the building is situated, whereas a Floor Area Ratio of 1,000 would permit the floor area to be ten times as great as the lot area.

A Floor Area Ratio is proposed in each Residence District, as well as each Commercial and Manufacturing District, to control the amount of floor area permitted on a zoning lot. As explained later, a floor area bonus is also granted in Residence Districts if additional open space is provided. Therefore, in Residence Districts, the Floor Area Ratio plus the floor area bonus constitute the basic regulation of the over-all bulk of buildings. In the following table is set forth the permitted Floor Area Ratio for each Residence District without regard to the floor area bonus.

District	Permitted Floor Area Ratio	Floor Area Ratio	Range of Dwelling Units Per Acre
R1	50	30 to 54	10 to 75
		55 to 84	25 to 85
R2	50	85 to 144	35 to 155
		145 to 204	45 to 155
R3	50	205 to 254	55 to 210
		255 to 304	95 to 230
R4	70	305 to 354	75 to 255
		355 to 404	105 to 350
R5	100	405 to 494	115 to 385
		495 to 704	115 to 475
R6	200	705 to 1004	155 to 600 and over
		1005 to 1500 and over	195 to 600 and over
R7	280		
R8	450		
R9	1,000		

Regulation of Residential Density:
Lot Area Per Dwelling Unit
 (Section 23-1C)

The Problem

The present resolution attempts to control both building volume and population density indirectly by setting maximum limits on permitted height and coverage and by requiring yards and courts of specified sizes. Not only do these controls prescribe a rigid, uneconomic, and unattractive building envelope but they also constitute an ineffective density control. This is one of the most serious deficiencies of the present resolution.

The essence of good zoning is the establishment of an effective balance between the permitted concentration of population and the capacity of streets, transit facilities, schools, and other community facilities to serve the needs of the population. Ineffective control of population density may overtax the City's ability to furnish all the public services -- water, sewers, streets, schools, etc. -- required in many areas of the City. In the long run, density controls can save the City and its tax-payers from wasteful expenses created by demands for additional facilities in areas where growth has been uncontrolled. In addition, the ability to predict population levels throughout the City will be of great assistance in the preparation of long-range plans and capital budget estimates for such costly items as new schools, major street and highway improvements, and subway extensions.

With no direct, effective control over population densities, the present resolution is also powerless to prevent the overcrowded living conditions resulting from excessive conversion of existing dwelling units. In many areas of the City, uncontrolled fluctuations in population resulting from excessive conversions are an important factor in the creation of slums. By preventing extreme over-crowding in the gradually deteriorating sections of the City, and by slowing down the deterioration caused by overly congested structures and neighborhoods, it should be possible to restore many neighborhoods before the cost of their rehabilitation becomes prohibitive.

Proposed Density Control

No control of building volumes alone -- whether a direct control such as the Floor Area Ratio or an indirect control such as the present height, area, yard, and court regulations -- can effectively control population density. The inevitable deviations from the average apartment size or the average number of persons per dwelling unit result in wide variations in population density. Studies of post-war multiple dwelling construction in New York City showed great variations in the number of dwelling units per net acre at any given Floor Area Ratio level, as shown by the following table:

The proposed population density device is in the form of a stipulation that a given number of square feet of lot area must be provided per dwelling unit. Thus, the lot area per dwelling unit regulation specifically limits the number of dwelling units on a lot by relating the permitted number of units to the size of the lot. For example, where a lot area of 500 square feet is required per dwelling unit, 20 dwelling units would be permitted on a lot of 10,000 square feet. The number of units permitted on a lot of a certain size varies by district.

In designing the density control it became apparent that such a device must also take into account the wide variation in population density resulting from the number of rooms in the dwelling units of a given structure. Analysis of census data indicated clearly that as the number of rooms per dwelling unit increases, the average number of occupants per dwelling unit also increases. Therefore, a district permitting 20 dwelling units on a given size lot would generally yield many more people if the number of rooms in each dwelling unit were six than if it were two.

In the General Residence Districts (R3 to R9), the required lot area per dwelling unit is directly related to the number of rooms in the dwelling unit, kitchens excluded. Starting with one-room units, the lot area required per dwelling unit in any district increases as the number of rooms in a unit increases. In the R5 District, for example, 810 square feet of lot area are required for each two-room dwelling unit, while 1,380 square feet are required for a six-room dwelling unit. These regulations are contained in a brief table in Section 23-12 of the proposed resolution. The requirements for units containing different numbers of rooms were set to yield an approximately equivalent population density irrespective of the size of unit built.

Because of the desire to promote flexibility of design and to develop bulk regulations which would encourage better standards of open space, moderate increases in both Floor Area Ratio and density are permitted when more than the minimum Open Space Ratio, as described in the next section, is provided. By using the various controls over the intensity of residential land use in combination, as explained in the following sections of this report, densities and bulks permitted are balanced as to give no incentive toward building either excessively small dwelling units (which would be the case if the maximum floor area were set but there were no limit on density) or unusually large apartments (which would be advantageous if there were a density limit but no bulk maximum). In the former case, the density could become much higher than that characteristic of or appropriate for the neighborhood; in the latter case, excessive bulk could rob neighboring buildings of access to light and air and would be incompatible with the bulk of the rest of the district. The builder has a free range of choices as to number and size of rooms within the over-all bulk and density limits of any District without any premium being put on any particular kind or size of unit.

In the following table are set forth the density requirements for two-room dwelling units, kitchens excluded, for each General Residence District.

District	Square Feet of Required Lot Area per Two-Room Dwelling Unit
R3	1,440
R4	1,070
R5	810
R6	450
R7	350
R8	230
R9	120

In order to control excessive conversions, as noted earlier, existing buildings are also subject to the proposed density regulations. Such buildings will be considered as complying with the bulk regulations if the lot upon which they are located is sufficiently large to meet the lot area per dwelling unit requirements. Even if a lot area deficiency exists, dwelling units may be added by converting existing units into two or more new units, provided that the lot area deficiency is not increased as a result. For example, it would be possible to create a number of one- or two-room dwelling units in an existing building containing dwelling units of three rooms or more, because the lot area required for a one-room unit is about half of that required for a three-room unit and about a third as much as the area required for a six-room unit.

Regulation of Open Space: Open Space Ratio (Section 23-20)

The soundness of any residential area is to be judged by its desirability as a place in which to live. In turn its long-term economic value depends on its continued attractiveness and suitability as a residential area. An important factor in establishing the desirability of a residential area is the amount of open space provided.

Open space is essential in providing:

- 1) A general feeling of openness and privacy.
- 2) Adequate daylight, sunlight, and air for all dwellings.
- 3) Usable space outside the dwelling for gardens, children's play, and adult recreation.

Low densities and Floor Area Ratios do not in themselves guarantee adequate or usable open space. A low density development with a low Floor Area Ratio may provide less open space and admit less light to living and sleeping rooms than other developments of higher densities and Floor Area Ratios.



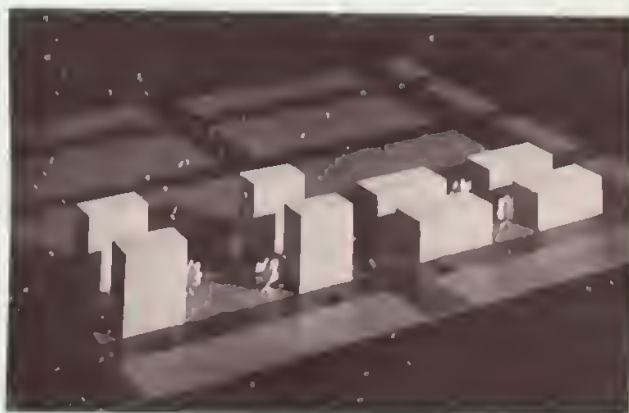
Good open space relationship in moderately high density development. Park City, Queens.

A major phase of the preparation of the proposed new zoning resolution has been the development of a device which would supplement the Floor Area Ratio and density regulations and jointly with them insure the long-term desirability of residential areas at the various levels of density proposed.

It is believed that the most suitable control for this purpose is the Open Space Ratio, which expresses the relationship between the number of square feet of open space on a lot and each 100 square feet of floor area in a building on the same lot. An Open Space Ratio of 50, for example, would require the amount of open space on a lot to be equal to at least half of the floor area within the building. In a district where the minimum Open Space Ratio is 30, the required amount of open space would be 6,000 square feet if 20,000 square feet of floor area were contained within a building. Or, if 3,000 square feet of lot area were in open space, 10,000 square feet of floor area could be developed within a building on the same zoning lot.

The Open Space Ratio is proposed in Residence Districts to supplement the Floor Area Ratio and control the amount of open space provided on a zoning lot. The device is used in all Residence Districts except the highest building bulk district (R9), which is applicable only to limited sections of mid-town Manhattan. The basic requirements as listed below are contained in Section 23-23 of the proposed resolution:

Residence District	Minimum Required Open Space Ratio
R1	150
R2	150
R3	150
R4	90
R5	60
R6	30
R7	20
R8	10



Floor Area Ratios are the same for both blocks shown, but Open Space Ratio for the left block is much higher, giving improved livability.

The open space required by the Open Space Ratio consists basically of the areas on the lot left uncovered by buildings. Thus, if 45 percent of the area of a 10,000 square foot lot in an R8 District were covered, 55 percent of the lot would consist of open space. The 5,500 square feet of open space would permit 55,000 square feet of floor area on the lot at an Open Space Ratio of 10. All required open space must be accessible to all residents of the development. In addition, with the exception of space which may be provided on the roof of accessory garage space if certain design standards are met, the open space requirements may not be satisfied by roof or balcony space.

Unfortunately, a basic conflict exists between two highly desirable goals: namely, adequate standards of open space, and sufficient amounts of off-street parking. In order to preserve an adequate portion of the required open space for recreational use or for lawns and to prevent residential developments from being overwhelmed by parked cars, only 50 percent of the open space provided may be devoted to parking spaces and driveways. While areas devoted to off-street parking can generally not be used as recreational areas, such areas serve an important function in providing light, air, and spacing between buildings.

Since on-lot parking costs approximately one-third to one-tenth as much per space as does garage parking, a meaningful inducement is thus provided for the provision of a large quantity of open space.

Integrated Controls Over the Intensity of Land Use

By carefully relating the various controls over the intensity of residential land use -- Floor Area Ratio, lot area per dwelling unit, and Open Space Ratio -- it is possible to permit the developer a far wider range of choices as to his type of development while maintaining adequate standards of residential density and coverage. Such an approach thereby removes much of the rigidity and arbitrariness of the older regulations while providing more direct and meaningful controls over the intensity of land use.

In addition, the utilization of the three-controls jointly makes it possible to induce better standards of open space by granting a bonus of a moderate increase in Floor Area Ratio or density when more than the required amount of open space is provided.

The development of this approach resulted from concern with the number of residential buildings constructed in New York since World War II with high land coverage and, therefore, inadequate area for active and passive recreation as well as insufficient light and air. Considerable study was given to the economics of alternative forms of construction. After analysis of the encouragingly high proportion of new construction which meets good standards plus interviews with representative architects and builders, it was concluded that it is possible to design structures with the same Floor Area Ratio and density at generally comparable costs and with adequate standards of coverage. The increased amenities of such developments also constitute better long-term investments.

The Bonus Provisions

The Open Space Ratio has been designed in order to encourage better standards of open space. To further this goal as well as to give developers a wider choice,

two relatively simple bonus regulations have been established. The bonus regulations apply only in districts characterized by apartment development -- the R5 through R8 Districts. The character of development in the low-density districts is primarily a function of the spacing between buildings and the width of buildings, since almost all construction in the R1 through R4 Districts consists of one or two-story buildings.

Floor Area Bonus

The floor area bonus for increased open space, as contained in Section 23-03 of the proposed resolution, permits the maximum Floor Area Ratio to be exceeded in cases where the open space provided is greater than that required by the Open Space Ratio. A definitely superior building must thus be constructed before the maximum Floor Area Ratio may be exceeded.

The two following tables illustrate how the floor area bonus operates at a given Open Space Ratio. The first shows three examples of the types of buildings which could be constructed at an Open Space Ratio of 25 on a 10,000 square foot lot, before application of the bonus provisions. The second shows the comparable buildings which could be constructed by increasing the Open Space Ratio to 26 and permitting the Floor Area Ratio to increase by a bonus of 10 points in each case.

These examples are hypothetical and illustrative only. In the proposed resolution, the amount of bonus varies with the District and in the case of tall buildings, the actual required Open Space Ratio increases by one point for each 18 feet by which a building exceeds 125 feet in height, in effect permitting the highest Floor Area Ratio at about 14 floors. The actual bonuses provided are designed to provide an incentive for more open space without increasing the height and bulk of the buildings permitted enough to nullify the advantages of the increased open space.

Density Bonus

The density bonus for better standards of open space, as contained in Section 23-13 of the proposed resolution, permits a greater number of dwelling units on a lot (by decreasing the required lot area per dwelling unit) when more than the required open space is provided. In order to prevent excessive densities within a building or neighborhood, a limit is set beyond which the basic densities may not be exceeded. The following table indicates the density bonus for each point by which the required Open Space Ratio exceeds the required amount.

Examples of Buildings at
Open Space Ratio of 25

	Number of Stories	Ground floor coverage (Square feet)	Open space on lot (Square feet)	Floor area (Square feet)	Open Space Ratio	Floor Area Ratio
Example A	8	4,000	6,000	24,000	25	240
Example B	10	2,860	7,140	28,600	25	286
Example C	14	2,220	7,780	31,100	25	311

Examples of Buildings at
Open Space Ratio of 26

	Number of Stories	Ground floor coverage (Square feet)	Open space on lot (Square feet)	Floor area (Square feet)	Open Space Ratio	Floor Area Ratio
Example A	7	3,500	6,500	25,000	26	250
Example B	13	2,300	7,700	29,600	26	296
Example C	19	1,670	8,330	32,100	26	321

District	Percent by which required lot area per dwelling unit is decreased for each point by which Open Space Ratio exceeds requirement	Maximum percent reduction permitted
R5	2	16
R6	2	20
R7	2	20
R8	3	18

In brief, the two bonuses permit a developer who produces a superior building as indicated by open space in excess of the minimum required, to increase the floor area by a stated amount, or to add a stated number of dwelling units to the number otherwise permitted, or to take partial advantage of both bonuses.

Builders can thus choose from a number of possible combinations of bulk and density and build:

- 1) Average-sized units at the density prescribed for the district in Section 23-12 of the resolution.
- 2) Smaller than average units at the prescribed density for the district.
- 3) Smaller than average units at an increased density, by increasing their Open Space Ratio as described below and taking the density bonus set forth in Section 23-13.
- 4) Larger than average units at a lower density, in the floor space permitted by the district's Floor Area Ratio as set forth in Section 23-02 of the resolution.
- 5) Larger than average units up to the density prescribed for the district, by increasing the Open Space Ratio as described below and taking the floor area bonus set forth in Section 23-03.

The relationships between the density bonus and the floor area bonus in the proposed resolution are such that in many situations it is not possible to achieve both the maximum possible Floor Area Ratio and the maximum possible density in the same development. To have permitted this would mean that too great a disparity would be possible between such a building and the norm for the district. The limiting factors which have been built into the bonus system include:

- 1) The increase, mentioned above, in the required Open Space Ratio for tall buildings, which in effect means that above fourteen stories the floor area bonus provisions are weakened and become virtually inoperative.
- 2) An absolute maximum, ranging from 16 percent to 20 percent in different districts, in the amount by which the required lot area per dwelling unit can be reduced as a density bonus.
- 3) A practical maximum Floor Area Ratio, resulting from the fact that at the maximum permitted densities, the average floor area per dwelling unit eventually becomes excessively high if the maximum theoretically possible floor area bonus is taken.

It is, however, possible for buildings below fourteen stories in height to be so designed as to be able to take advantage of both bonuses simultaneously if superior standards of open space are maintained.

The relationships between Floor Area Ratio, Open Space Ratio, and density in the various districts in which floor area and density bonuses are given for increased Open Space Ratios are illustrated by the tables on pages 82, 83, and 84 of this report.

Bonuses are treated differently in the highest density district, R9. Because of the high densities permitted in this district, it is impractical to require more open space than the required rear yard. However, in order to bring more light and air into streets surrounded by tall buildings, a bonus device has been established to encourage the setting back of buildings from the street line. When such a plaza or open space is provided, three square feet of additional floor area are permitted for each square foot of open space or plaza (Section 23-04). An increase in the permitted number of dwelling units is also permitted, as provided in Section 23-14, for each 10 percent of the total lot area devoted to a plaza.

Minimum Lot Area and Lot Width Regulations (Section 23-30)

As a logical extension of the amenities sought by the Open Space Ratio, such as usable open space and privacy, the minimum area and width of lots in Residence Districts are regulated. These regulations are contained in Section 23-30 of the proposed resolution.

In the R1 (single-family detached) District, all residences must be on lots of at least 5,700 square feet in area and at least 60 feet in width. In the present G District, a generally comparable district, the side yard requirements in effect result in lots 50 feet or more in width. The size of vacant lots, as well as trends in the construction of new single-family houses in the present G Districts, indicate that the higher standard is warranted by current practice. The proposed standards in the R1 District generally approximate minimum standards in many adjacent suburban areas and provide a district having the amenities of comparatively low density for families who might otherwise leave the City.

The proposed lot area and lot width standards in the R2 District are 3,800 square feet of lot area and 40 feet of lot width. This district is generally comparable to the present G-1 District and is intended for areas of single-family development where present construction is on somewhat narrower lots.

All single- or two-family detached houses built in all other Residence Districts -- R3 through R9 -- must also meet the requirements of the R2 District -- 3,800 square feet of lot area and 40 feet of lot width. This requirement is designed to prevent construction of detached residences on lots as small as to preclude the privacy and other amenities characteristically associated with them. The proposed regulations do not prohibit the development of small houses, but do require that the open space provided meets minimum standards.

The basic regulation for all other dwelling types in the General Residence Districts -- R3 through R9 -- establishes a minimum of 1,700 square feet of lot area and 18 feet of lot width. These two requirements are of primary importance in preventing the development of sub-standard row house construction.

In all Residence Districts, single-family residences may be built on separately owned zoning lots existing at the effective date of the proposed resolution and having less than the prescribed minimum lot area or lot width.

Access of Light and Air

To insure adequate access of light and air to buildings and to streets, five types of regulations are proposed:

- 1) Yard regulations, which control in part the amount of light and air having access to buildings.
- 2) Height and setback regulations, which control the access of light and air to streets.
- 3) Regulation of the minimum spacing between buildings on a single zoning lot.

- 4) Court regulations, which regulate the design of courts in order to provide adequate access of light and air.
- 5) Regulations which control the amount of light and air having access to each legally required window.

Yard Regulations (Section 23-40)

The proposed yard regulations, as contained in Section 23-40, are designed to provide a minimum amount of open space between building wall and lot lines in order to provide a basic supply of light and air to all required windows. In addition, by separating buildings, yards add to the privacy of occupants of a given lot as well as adjacent lots.

Front Yards

Front yards are required only in the low-density districts, primarily to preserve the open character of such districts. A front yard of 15 feet is required in the R1 through R4 Districts, while in the R5 District, a transitional district between low- and medium-density areas, the requirement is reduced to 10 feet.

Rear Yards

Because rear yards do not benefit from light and air provided by streets, a minimum rear yard of 30 feet is proposed for all Residence Districts. This requirement produces a 60 foot separation between the buildings of two lots adjoining back-to-back, a separation equal to that between buildings facing side streets. Accessory off-street parking is permitted in rear yards provided garages do not exceed 23 feet in height (Section 23-44).

Side Yards

Side yard requirements are related to dwelling types as well as to districts. Single-family and two-family detached residences are required to meet the following side yard requirements in the Residence Districts indicated:

District	Required Total Width (in feet)	Required Minimum Width of Any Side Yard (in feet)
R1	20	8
R2 through R9	13	5

All other types of structure in the R3, R4, and R5 Districts are required to have two side yards, each with a width of eight feet. This regulation requires the construction of a row of attached houses to occur as a single development.

Standards for Row Houses

A series of proposed regulations jointly establish adequate standards for row house development in low-density districts. The minimum lot width regulation as stated above requires all row houses to be at least 18 feet wide. A special side yard regulation requires two side yards for all buildings over 80 feet in length, each side yard equalling at least 10 percent of the building's length.

Another regulation sets a limit on the over-all length of row houses. In R3 Districts, the maximum permitted length of row houses is 125 feet. In R4 and R5 Districts, the limit is raised to 170 feet. These standards are designed to make the row house a compatible building form in low-density districts.

Additional Yard Regulations

The following additional yard regulations are proposed to apply to non-residential buildings in Residence Districts as well as in special situations:

- 1) Buildings occupied by community facilities are made subject to the same controls as residential structures, and, in addition,

buildings longer than 60 feet must provide two side yards, each with a width equal to 15 percent of the building's length.

- 2) Provision is made for the reduction of side and rear yard requirements for exceptionally narrow or shallow lots.

- 3) In R4 through R9 Districts, through lots extending between two street frontages must provide yards equivalent to a rear yard in order to afford adjacent lots protection against the obstruction of light and air.

Height and Setback Regulations (Section 23-60)

The present resolution was written in large measure to cope with the problem of keeping buildings from robbing other buildings or the public streets of adequate light.

In attempting to solve this problem, a fixed geometric setback plane was established above a specified height, which has the now familiar limitation of producing rigid and complex building shapes which are not only uneconomic to construct but inefficient to use.

The proposed regulations are intended to insure that public streets and all portions of buildings fronting on streets have access to light and air, and to provide a general feeling of openness at street level. A series of flexible and interchangeable regulations has been developed with the goal of permitting the maximum possible degree of design freedom in achieving economic, efficient, and attractive buildings.

Three devices which may be used in combination are proposed. The first of these devices limits the height of walls which may be built on the street line or front yard line. Any portion of a building rising above the maximum permitted height of the front walls would be required to set back a specified distance called the "initial setback distance". To supplement the required setback and insure adequate sky exposure to the street, an inclined plane is proposed, called the "sky exposure plane", which rises from a point directly above the street line or front yard line and at a height equal to the maximum height permitted prior to the required setback. Buildings are not permitted to penetrate the "sky exposure plane" and thereby rise to an excessive height too near the street.

In summary, this device establishes an envelope characterized by a vertical wall of a stated maximum height (the maximum height of a front wall) and a required setback (the initial setback distance), above which the building could continue to rise, first vertically and then beneath a limiting angle (the sky exposure plane). This device, if used alone, creates a geometric zoning envelope similar to that of the present resolution, except for one major difference. By requiring all buildings to set back at a specified height (30, 60, or 85 feet, depending upon the district), the proposed regulation exposes a considerably greater portion of the sky, thus offering a more attractive and open street aspect. Even in the highest density districts, the street walls are limited to a height which produces a one to one relationship between the wall heights and the street width.

A second proposed device, alternative to the first, permits the street walls of buildings to rise to greater heights, provided the buildings are set back a specified distance at street level. This alternative permits buildings to rise vertically from the ground to the point where they intersect the "alternate sky exposure plane" established at the same point as in the first device but rising at a steeper angle.

The third device, applicable in the highest density Residence and Commercial Districts, concerns towers. In the present resolution, a tower is permitted to rise vertically without being affected by required setbacks if specified distances between the tower and street are observed, and if the tower covers not more than 25 percent of the lot. The height of such tower is not limited. Since the proposed Floor Area Ratio

regulations limit the amount of floor area which may be erected on a lot, a different approach to the problem is possible. The proposed tower regulations permit a building or a portion of a building to cover 40 percent of the lot without any required setbacks or limitation by the "sky exposure planes" as long as the Floor Area Ratio is not exceeded. A tower may be placed no nearer to a narrow street than one-third of the tower width which faces the street, and no nearer to a wide street than one-fourth of the tower's width. In the first case, the tower need be no more than 50 feet from the street and in the second case, 40 feet.

Among the choices offered by these inter-changeable regulations are the following:

- 1) Utilization of the tower provisions alone.
- 2) Utilization of the regulations contained in the first device up to the maximum permitted height of a street wall, and then utilization of the tower provisions.
- 3) Utilization of the regulations contained in the first device up to any height after the initial setback, and then utilization of the tower provisions.
- 4) Utilization of the second device alone, involving a specified setback at the street level.
- 5) Utilization of the second device in combination with the tower provisions.

Supplementary Height and Setback Regulations

Two supplementary regulations are proposed to maintain the open character of the low-density Residence Districts (R1 through R5). The first regulation requires that all portions of buildings in excess of three stories or thirty feet in height be no closer to a side or rear lot line than a distance equal to one-half their height. A similar regulation is proposed for community facility buildings. Since such buildings are generally more massive in both height and length than residential buildings, they must be set back from side or rear lot lines a distance equal to the height of all portions of the buildings exceeding three stories or thirty feet in height.

Regulations Controlling the Spacing of Buildings (Section 23-70)

Spacing of Buildings on the Same Lot

Regulations are proposed which in effect separate buildings on the same zoning lot in accordance with the impact they have upon each other. All buildings must be set apart by the distance required by a formula which measures such impact in terms of the dimension of buildings opposite each other, with a

minimum distance of 30 feet. The spacing formula establishes standards of spacing by requiring that the distance between two buildings increase as the combined height and length of the opposing walls increase.

Since light obstruction is caused to a greater degree by height than by the length of buildings, the formula ascribes twice as much weight to height. The formula requires that the distance between buildings directly opposite each other be equal to their combined length plus two times their combined height, with the resulting sum divided by six: $L + L + 2(H + H)$. The denominator, six, was carefully selected as the number which

would achieve a spacing of buildings similar to current well-designed large-scale projects. It can be seen that if two buildings directly opposite each other were 100 feet long and 120 feet high, the distance required between them would equal $100 + 100 + 2(120 + 120)$, $\frac{640}{6}$

or 113 feet. The distance required by the formula is decreased by 15 percent in situations where one of the buildings is two stories or less, and the other six stories or more, in height.

This formula avoids the pitfalls of the traditional approach as exemplified by the present ordinance, requiring fictitious lot lines to be drawn around two or more buildings erected on the same zoning lot in order to compute the required spacing of buildings. Such regulations are far too restrictive and inexact for use in large-scale developments. The great advantage of the proposed minimum spacing formula is that it maximizes the builder's design choice while preventing the obstruction of any building's light and air by another.

In the two highest density districts, R8 and R9, the formula is modified by giving the height of buildings the same weight as their length. Thus, in the previous example, the required distance between two buildings in R8 and R9 Districts would be $200 + 240$, or 73 feet. $\frac{440}{6}$



Good mixture of housing types in the same development. Pomonok Houses, Queens.

Minimum Spacing Between Portions of the Same Building: Court Regulations

The proposed bulk regulations discussed previously -- particularly the Open Space Ratio and the height and setback regulations -- will probably make the wrapping of buildings around courts unnecessary and uneconomical. However, two primary court regulations are proposed to control the size and dimensions of outer and inner courts. No outer court is permitted to be deeper than it is wide; and in the case of courts less than 30 feet wide, the width of the court must be twice as great as its depth. Inner courts are required to have a minimum dimension of 30 feet and a minimum area of 1,200 square feet.

Included within the court controls are two regulations controlling the amount of light and air having access to each required window. The basic control insures a minimum outlook of 30 feet in depth for each required window, except for one- and two-story residences. The second control requires that the distance between a required window in an inner court and an opposing wall be not less than 30 feet. This regulation will affect buildings in excess of six stories and will prevent the surrounding of a small inner court by a building rising to a great height.



Application of the spacing formula when more than one building is built on the same lot would result in good open space relationships as illustrated here. Queensview, Queens.

Chapter 3 Bulk Regulations

23-00

FLOOR AREA RATIO REGULATIONS

Definitions and General Provisions

23-01 Definitions (repeated from Section 12-10)

Floor area ratio

The "floor area ratio" of a building or buildings or zoning lot is the number of square feet of floor area in such building or buildings for each 100 square feet of lot area. Each square foot of floor area per 100 square feet of lot area is referred to as one point. (For example, in a district where the maximum floor area ratio is 200, a building containing 20,000 square feet of floor area may be constructed on a zoning lot of 10,000 square feet.)

Lot area

"Lot area" is the area of a zoning lot.

Open space ratio

The "open space ratio" of a zoning lot is the number of square feet of open space on the zoning lot for each 100 square feet of floor area in a building or buildings on that zoning lot. Each square foot of open space per 100 square feet of floor area is referred to as one point. (For example, in a district where the minimum open space ratio is 30, if 20,000 square feet of floor area are contained within a building, the required amount of open space would be 6,000 square feet. Or, if 3,000 square feet of lot area were in open space, 10,000 square feet of floor area could be developed within a building on the same zoning lot.)

Plaza

A "plaza" is an open area accessible to the public, which is either:

- (a) An open area along the front lot line not less than five feet deep (measured perpendicular to the front lot line), or
- (b) An open area on a through lot, extending from street to street and not less than 40 feet wide.

Such a plaza shall not at any point be more than five feet above the curb level of the nearest adjoining street, and shall be unobstructed from its lowest level to the sky, except as provided in Sections 23-44, 33-24 or 43-14 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

Zoning lot

A "zoning lot" is a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot may be subsequently subdivided into two or more zoning lots subject to the provisions of this resolution. A zoning lot therefore may or may not coincide with a lot as shown on the official tax maps of the City of New York, or on any recorded subdivision plat or deed.

Basic Regulations

23-02 Maximum Permitted Floor Area Ratio

In all districts, as indicated, the maximum floor area ratio for a zoning lot shall not exceed the floor area ratio set forth in the following table, except as otherwise provided in Section 23-03 (Floor Area Bonus for Additional Open Space), Section 23-04 (Floor Area Bonus for a Plaza), or Section 23-05 (Special Provisions for Zoning Lots Divided by District Boundaries). For lot area remainders of less than 100 square feet, the number of square feet of floor area permitted shall be in proportion to the floor area ratio set forth in this Section.

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9

23-02 Maximum Permitted Floor Area Ratio, continued

	DISTRICTS								
	R1	R2	R3	R4	R5	R6	R7	R8	R9
	R1	R2	R3	R4	R5	R6	R7	R8	R9
Maximum Permitted Floor Area Ratio									
50	R1	R2	R3						
70				R4					
100					R5				
200						R6			
280							R7		
450								R8	
1,000									R9

Supplementary Regulations23-03 Floor Area Bonus for Additional Open Space

In the districts indicated, for each point by which the open space ratio for a zoning lot exceeds the minimum required open space ratio specified in Section 23-23 (Minimum Required Open Space Ratio) or Section 23-24 (Increased Open Space Ratio for Tall Buildings), the maximum permitted floor area ratio for that zoning lot shall be increased by the number of points set forth in the following table.

Permitted Increase in Maximum
Floor Area Ratio for Each
Additional Point Above
Minimum Required Open
Space Ratio

10					R5				
20						R6			
30							R7		
35								R8	

23-04 Floor Area Bonus for a Plaza

In the district indicated, for each square foot of plaza provided on a zoning lot, the total floor area permitted on that zoning lot under the provisions of Section 23-02 (Maximum Permitted Floor Area Ratio) may be increased by three square feet.

									R9
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Regulations Applying in Special Situations23-05 Special Provisions for Zoning Lots Divided by District Boundaries

In all districts, as indicated, if a zoning lot is divided by a boundary between Residence Districts with different maximum floor area ratios, the maximum floor area ratio applicable to each portion of such zoning lot shall be multiplied by the percentage of the zoning lot to which each such floor area ratio applies; and the sum of the products obtained shall be the maximum adjusted floor area ratio applicable to such zoning lot.

The resulting floor area ratio which is permitted by the maximum adjusted floor area ratio may be located wherever a building is permitted on a zoning lot, provided that the floor area ratio for each portion of a zoning lot within one district shall not exceed the maximum floor area ratio specified for that district or the maximum adjusted floor area ratio for the zoning lot, whichever is greater.

R1 R2 R3 R4 R5 R6 R7 R8 R9

DENSITY REGULATIONS -- REQUIRED LOT AREA PER DWELLING UNIT

Definitions and General Provisions

23-11 Definitions (repeated from Section 12-10)

Dwelling unit

A "dwelling unit" is a room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or by a person living alone. For the purposes of this definition, a family shall mean either a person occupying a dwelling and maintaining a household with not more than two boarders, roomers, or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than two boarders, roomers, or lodgers.

Lot area per dwelling unit

"Lot area per dwelling unit" is that portion of the lot area required for each dwell-
ing unit located on a zoning lot.

Room

A "room" is a living room, as defined in Section 4 of the Multiple Dwelling Law, within a dwelling unit or rooming unit, except that for the purpose of determining lot area requirements, a kitchen shall not be counted as a room. A room does not include dining bays or dinettes 55 square feet or less in area, foyers, water-closet compartments, bathrooms, cooking spaces less than 59 square feet in area, or public or private halls, corridors, or passageways.

Rooming unit

A "rooming unit" is any room used for "single room occupancy" or any room in a "Class B multiple dwelling", as defined in the Multiple Dwelling Code.

Basic Regulations

23-12 Minimum Required Lot Area per dwelling Unit

In all districts, as indicated, for all new development after the effective date of this resolution, the total area of the zoning lot shall be not less than that required in the following table for the total number of dwelling units or rooming units provided on that zoning lot. The required amounts of lot area per dwelling unit vary according to the number of rooms in a dwelling unit. For this purpose, a rooming unit shall be considered the equivalent of a one-room dwelling unit. For all conversions or enlargements in existing buildings after the effective date of this resolution which increase the number of dwelling units or rooming units, the requirements in the following table for lot area per dwelling unit shall apply to the resulting total number of dwelling units or rooming units within such buildings. These regulations shall apply except as provided in the following Sections:

Section 23-13 (Density Bonus for Additional Open Space)

Section 23-14 (Density Bonus for a Plaza)

Section 23-15 (Adjustment for Lot Area Remainder)

Section 23-17 (Special Provisions for Existing Small Zoning Lots)

Section 23-18 (Special Provisions for Zoning Lots Divided by District Boundaries)

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9

23-12 Minimum Required Lot Area per Dwelling Unit, continued[illegible]

Underlined words in text are defined in Section 12-10.

Special Provisions for Buildings Used Partly for Community Facilities

10

60

Definitions and General Provisions

23-21 Definitions (repeated from Section 12-10)

Open space

"Open space" is that part of a zoning lot, including courts or yards, which:

- (a) Is open and unobstructed from its lowest level to the sky, and
- (b) Is accessible to all residents upon the zoning lot, and
- (c) Is not part of the roof of that portion of a building containing dwelling units.

The roof of a garage attached to a residential building, or of a garage portion of a residential building, or of a portion of a mixed building used for other than residences may be considered as open space if such roof area:

- (a) Is not higher than 23 feet above curb level, provided that this restriction does not apply to the roof of a portion of a mixed building used for other than residences, and
- (b) Is at least two and one-half feet below the sill level of all legally required windows opening on such roof area, and
- (c) Is directly accessible by a passageway from a building, or by a ramp (with a grade of less than 10 percent) from a building, yard, court, or street, and
- (d) Has no dimension less than 25 feet.

Open space ratio

The "open space ratio" of a zoning lot is the number of square feet of open space on the zoning lot for each 100 square feet of floor area in a building or buildings on that zoning lot. Each square foot of open space per 100 square feet of floor area is referred to as one point. (For example, in a district where the minimum open space ratio is 30, if 20,000 square feet of floor area are contained within a building, the required amount of open space would be 6,000 square feet. Or, if 3,000 square feet of lot area were in open space, 10,000 square feet of floor area could be developed within a building on the same zoning lot.

23-22 Permitted Obstructions in Open Space

In the districts indicated, obstructions are permitted in any open space as set forth in this Section.

23-221 Limitation on open space used for parking or loading

Not more than 50 percent of the open space on a zoning lot developed with a building containing residences or a community facility use may be used for driveways, private streets, open accessory off-street parking, or open accessory off-street loading berths.

23-222 Limitation on roofing of open space

Not more than 10 percent of the open space on a zoning lot developed with a building containing residences or a community facility use may be roofed, and not more than 50 percent of the perimeter of such roofed portion may be enclosed.

23-223 Other permitted obstructions

An unenclosed balcony or terrace, or a fire escape, air-conditioning unit, or planting box projecting not more than six feet into any open space, is a permitted obstruction.

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	

23-23 Minimum Required Open Space Ratio

In the districts indicated, the minimum required open space ratio for a zoning lot shall be not less than the open space ratio set forth in the following table, except as otherwise provided in Section 23-24 (Increased Open Space Ratio for Tall Buildings) and Section 23-25 (Special Provisions for Zoning Lots Divided by District Boundaries). For floor area remainders of less than 100 square feet, the required number of square feet of open space shall be in proportion to the open space ratio set forth in this Section.

Minimum Required
Open Space Ratio

150

90

60

30

20

10

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9

R1	R2	R3	R4	R5	R6	R7	R8
R1	R2	R3					
			R4				
				R5			
					R6		
						R7	
							R8

Supplementary Regulations

23-24 Increased Open Space Ratio for Tall Buildings

In the districts indicated, the minimum required open space ratio shall be increased by one point for each 18 feet or fraction thereof by which a building exceeds 125 feet in height.

R1	R2	R3	R4	R5	R6	R7
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Regulations Applying in Special Situations

23-25 Special Provisions for Zoning Lots Divided by District Boundaries

In the districts indicated, if any zoning lot is divided by a boundary between Residence Districts with different minimum required open space ratios, the open space ratio applicable to each portion of such zoning lot shall be multiplied by the percentage of the zoning lot to which each such open space ratio applies; and the sum of the products obtained shall be the minimum adjusted open space ratio applicable to such zoning lot.

The resulting required open space and permitted floor area may be located anywhere on the zoning lot subject to all other regulations of this resolution, provided that the open space ratio for any portion of a zoning lot within one district shall not be less than the minimum open space ratio specified for that district or the minimum adjusted open space ratio for the zoning lot, whichever is less.

R1	R2	R3	R4	R5	R6	R7	R8
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LOT AREA AND LOT WIDTH REGULATIONS

Definitions and General Provisions

23-31 Definitions (repeated from Section 12-10)

Lot area

"Lot area" is the area of a zoning lot.

Lot width

"Lot width" is the mean horizontal distance between the side lot lines of a zoning lot.

Basic Regulations

23-32 Minimum Lot Area and Lot Width for Residences

In all districts, as indicated, no residence is permitted on a zoning lot with a lot area or lot width less than that specified in the following table:

Type of residence	Required Minimum Lot Area and Lot Width Minimum lot area (in square feet)	Minimum lot width (in feet)
Single-family detached	5,700	60
Single-family or two-family detached	3,800	40
Any other	1,700	18

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1								
	R2							
		R3	R4	R5	R6	R7	R8	R9
		R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9

Regulations Applying in Special Situations

23-33 Special Provisions for Existing Small Lots

In all districts, as indicated, a single-family detached residence or a single-family residence, where permitted, may be built upon a zoning lot consisting entirely of a tract of land

- (a) Which has less than the prescribed minimum lot area or lot width, and
- (b) Which was owned separately and individually from all other adjoining tracts of land, both on the effective date of this resolution and on the date of application for a building permit.

23-34 Special Provisions for Zoning Lots Divided by District Boundaries

In all districts, as indicated, if a zoning lot is divided by a boundary between Residence Districts with different lot area or lot width regulations, the more restrictive regulation shall apply to the entire zoning lot.

23-40

YARD REGULATIONS

Definitions and General Provisions23-41 Definitions (repeated from Section 12-10)Yard

A "yard" is that portion of a zoning lot extending open and unobstructed from the lowest level to the sky along a lot line, and from the lot line for a depth or width set forth in the applicable district regulations.

Yard, front

A "front yard" is a yard extending along the full length of the front lot line between the side lot lines of a zoning lot.

Yard, rear

A "rear yard" is a yard extending for the full length of the rear lot line between the side lot lines of a zoning lot.

Yard equivalent, rear

A "rear yard equivalent" is an open area which may be required on a through lot as alternative to a required rear yard.

Yard, side

A "side yard" is a yard extending along a side lot line from the required front yard (or from the front lot line, if no front yard is required) to the required rear yard (or to the rear lot line, if no rear yard is required).

23-42 Level of Yards

In all Residence Districts, the level of a yard or of a rear yard equivalent shall not be higher than curb level, except that natural grade level need not be disturbed in order to comply with this requirement. No building or other structure shall be erected above ground level in any required yard or rear yard equivalent, except as otherwise provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

23-43 Measurement of Yard Width or Depth

In all Residence Districts, the width or depth of a yard or rear yard equivalent shall be measured perpendicular to lot lines.

23-44 Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all Residence Districts, the following shall not be considered obstructions when located within a required yard or rear yard equivalent.

(a) In any yard or rear yard equivalent:

- Arbors or trellises
- Awnings or canopies
- Chimneys projecting not more than three feet into, and not exceeding two percent of the area of, the required yard or rear yard equivalent
- Fences
- Flag poles
- Open accessory off-street parking spaces
- Steps
- Terraces
- Walls not exceeding eight feet in height

23-44 Permitted Obstructions in Required Yards or Rear Yard Equivalents, continued

(b) In rear yard or rear yard equivalent:

- Accessory non-commercial greenhouses
- Accessory off-street parking spaces, open or enclosed, provided that the height of an accessory building used for such purposes and located in a required rear yard or rear yard equivalent shall not exceed 23 feet above curb level
- Accessory sheds, tool rooms, or other similar buildings or other structures for domestic or agricultural storage, with a height not exceeding 10 feet above the level of the rear yard or rear yard equivalent
- Balconies, not exceeding 15 percent of the area of the required rear yard or rear yard equivalent
- Breezeways
- Recreational or drying yard equipment

However, no portion of a rear yard equivalent which is also a required front yard or required side yard may contain any obstructions not permitted in such front yard or side yard.

Basic Regulations

Front Yards

23-45 Required Minimum Front Yards

In the districts indicated, front yards shall be provided as set forth in the following table:

Front Yard
(in feet)

15

10

Side Yards

23-46 Minimum Required Side Yards

In all districts, as indicated, side yards shall be provided as specified in this Section, except as otherwise provided in the following Sections:

Section 23-48 (Special Provisions for Existing Narrow Lots)

Section 23-49 (Special Provisions for Zoning Lots with Party Walls)

Section 23-50 (Exceptions for Subdivision of Zoning Lots After Development)

Section 23-51 (Special Provisions Applying along District Boundaries)

23-461 Side yards for single- or two-family residences

In all districts, as indicated, for single-family detached residences or, where permitted, for two-family detached residences, side yards shall be provided as follows:

Minimum Required Side Yards

Number required	Required total width (in feet)	Required minimum width of any side yard (in feet)
2	20	8
2	13	5

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5				
R1	R2	R3	R4					
				R5				
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9

		R3	R4	R5	R6	R7	R8	R9
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		R3	R4	R5				
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					R6	R7	R8	R9
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	R3	R4	R5				
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[illegible]

		R3						
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			R4	R5					
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[illegible]

R1	R2	R3	R4	R5				
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[illegible]

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	52
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R1	R2	R3	R4	R5	R6	R7	R8	R9
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[illegible][illegible][illegible]

R1	R2	R3	R4	R5	R6	R7	R8	R9
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[illegible]

23-49 Special Provisions for Zoning Lots with Party Walls

In the districts indicated, notwithstanding the provisions of Section 23-46 (Minimum Required Side Yards), a residence may be constructed so as to utilize a party wall or party walls existing on the effective date of this resolution, or lawfully erected under the terms of this resolution.

If a residence is so constructed, the side yard requirements shall be waived along that boundary of the zoning lot coincident with said party wall or party walls, and a side yard at least eight feet wide shall be provided along any side of the zoning lot where a party wall is not so utilized.

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9
		R3	R4	R5				
		R3	R4	R5				
					R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3						
R1	R2	R3						
			R4	R5	R6	R7	R8	R9

23-50 Exceptions for Subdivision of Zoning Lots after Development

In the districts indicated, notwithstanding the provisions of Section 23-462 (Side yards for all other residential buildings), after a detached residential building has been constructed on a zoning lot, such zoning lot may be subdivided, subject to any other applicable regulations of this resolution, so that portions of the building are located on different zoning lots.

After such a subdivision, side yard requirements shall apply only:

- (a) Where side yard requirements applied along a side lot line of the original zoning lot, and
- (b) Where side lot lines of the subdivided zoning lot separate detached buildings.

23-51 Special Provisions Applying along District Boundaries

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4, or R5 district coincides with a side lot line of a zoning lot, a side yard at least eight feet wide shall be provided along such boundary within the districts indicated.

Rear Yards

23-52 Special Provisions for Shallow Interior Lots

In all districts, as indicated, if an interior lot consists entirely of a tract of land

- (a) Which was owned separately and individually from all other adjoining tracts of land, both on the effective date of this resolution and on the date of application for a building permit, and
- (b) Which is less than 70 feet deep,

the depth of a required rear yard for such interior lot may be reduced by one foot for each foot by which the maximum depth of a zoning lot is less than 70 feet. No rear yard is required on any interior lot with a maximum depth of 50 feet or less.

23-53 Special Provisions for Through Lots

In all districts, as indicated, the regulations of this Section shall apply to all through lots.

23-531 Excepted districts

In the districts indicated, no rear yard regulations shall apply to any through lots.

23-532 Excepted through lots

In the districts indicated, no rear yard regulations shall apply to any through lots which extend less than 110 feet in maximum depth from street to street.

		DISTRICTS								
		R1	R2	R3	R4	R5	R6	R7	R8	R9
23-533	Required rear yard equivalents				R4	R5	R6	R7	R8	R9
In the districts indicated, on any through lot 110 feet or more in maximum depth from street to street, one of the following rear yard equivalents shall be provided:										
(a) An open area with a minimum depth of 60 feet, linking adjoining rear yards, or if no such rear yards exist, then an open area, with a minimum depth of 60 feet, midway (or within five feet of being midway) between the two street lines upon which such through lot fronts										
(b) Two open areas, each adjoining and extending along the full length of a street line, and each with a minimum depth of 30 feet measured from such street line										
(c) Two open areas, each adjoining and extending along the full length of a side lot line, and each with a minimum width of 30 feet measured from such side lot line										
Any such rear yard equivalent shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).										
All Yards										
23-54	Special Provisions for Zoning Lots Divided by District Boundaries	R1	R2	R3	R4	R5	R6	R7	R8	R9
In all districts, as indicated, if a zoning lot is divided by a boundary between Residence Districts with different yard regulations, each portion of such zoning lot shall be governed by the regulations specified for the district in which it is located.										

23-60 HEIGHT AND SETBACK REGULATIONS

Definitions and General Provisions

23-61 Definitions (repeated from Section 12-10)

Initial setback distance

An "initial setback distance" is a horizontal distance measured from a street line into a zoning lot for a depth as set forth in the district regulations.

Public park

A "public park" is any publicly-owned park, playground, beach, parkway, or roadway within the jurisdiction and control of the Commissioner of Parks, except for parked strips or malls in a street the roadways of which are not within his jurisdiction and control.

Sky exposure plane

A "sky exposure plane" is an imaginary inclined plane:

- (a) Beginning above the street line (or, where so indicated, above the front yard line) at a height set forth in the district regulations, and
- (b) Rising over a zoning lot at a slope determined by an acute angle (measured down from the vertical) set forth in the district regulations.

Underlined words in text are defined in Section 12-10.

23-61 Definitions (repeated from Section 12-10), continuedStreet, narrow

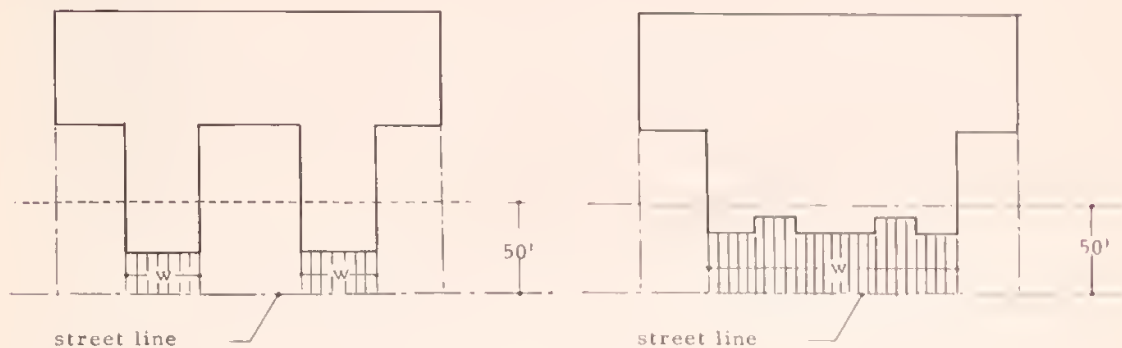
A "narrow street" is any street less than 75 feet wide.

Street, wide

A "wide street" is any street 75 feet or more in width.

Street walls, aggregate width of

The "aggregate width of street walls" at any given level is the sum of the maximum widths of all street walls of a building within 50 feet of a street line. The width of a street wall is the length of the street line from which, when viewed directly from above, lines perpendicular to the street line may be drawn to such street wall.



w is the aggregate width of street walls.

ILLUSTRATION OF AGGREGATE WIDTH OF STREET WALLS
SECTION 23-61

23-62 Permitted Obstructions

In all Residence Districts, the following shall not be considered obstructions and may thus penetrate a maximum height limit or a sky exposure plane set forth in Section 23-63 (Maximum Permitted Height of Front Wall and Required Front Setbacks) or Section 23-64 (Alternate Front Setbacks):

- (a) Chimneys or flues, with a total width not exceeding 10 percent of the aggregate width of street walls of a building at any given level
- (b) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an aggregate width of street walls equal to not more than 30 feet. However, the total width of such obstructions facing each street frontage shall not exceed 20 percent of such street frontage.
- (c) Flagpoles or aerials
- (d) Spires or belfries
- (e) Parapet walls not more than four feet high
- (f) Wire, chain link or other transparent fences

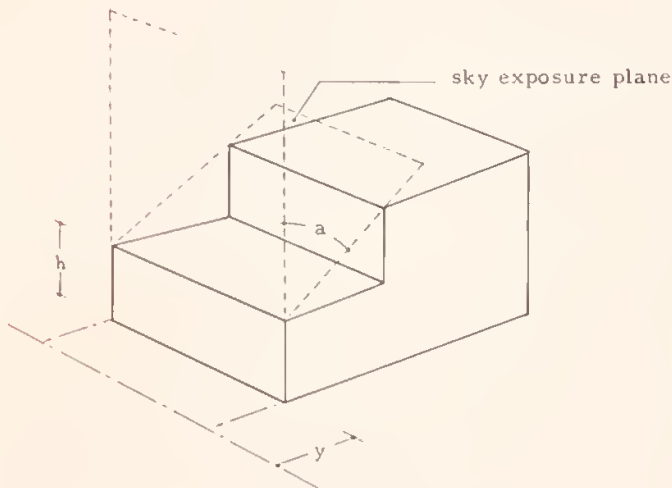
Underlined words in text are defined in Section 12-10.

23-63

In all districts, as indicated, the maximum permitted height of a front wall or of any other portion of a building or other structure shall be as specified in this Section, except as otherwise provided in Section 23-62 (Permitted Obstructions), Section 23-64 (Alternate Front Setbacks) or Section 23-65 (Tower Regulations).

In the districts indicated, where front yards are required, the front wall or any other portion of a building or other structure shall not penetrate the sky exposure plane set forth in the following table:

Sky exposure plane		
Height above front yard line (<u>in feet</u>)	Angle of slope over zoning lot (measured down from vertical, in degrees)	
	On narrow <u>street</u>	On wide <u>street</u>
20	45	45
30	45	45



a is the angle of slope of the sky exposure plane over zoning lot measured down from the vertical.

ILLUSTRATION OF SECTION 23-631

[illegible]

23-632 Front setbacks in districts where front yards are not required

In the districts indicated, where front yards are not required, if the front wall or other portion of a building or other structure is located at the street line or within the initial setback distance set forth in the following table, the height of such front wall or other portion of a building or other structure shall not exceed the maximum height above curb level set forth in the following table. Above such specified maximum height and beyond the initial setback distance, the building shall not penetrate the sky exposure plane set forth in the following table:

Maximum Permitted Front Height
and Required Front Setbacks

Initial setback distance (in feet)		Maximum height of a front wall, or other portion of a building, within the initial setback distance	Sky exposure plane		DISTRICTS R1 R2 R3 R4 R5 R6 R7 R8 R9
			Height above street line (in feet)	Angle of slope over zoning lot (measured down from the vertical, in degrees)	
On narrow street	On wide street			On narrow street On wide street	
20	15	60 feet or six stories, whichever is less	60	20 10	R6 R7
20	15	85 feet or nine stories, whichever is less	85	20 10	R8 R9

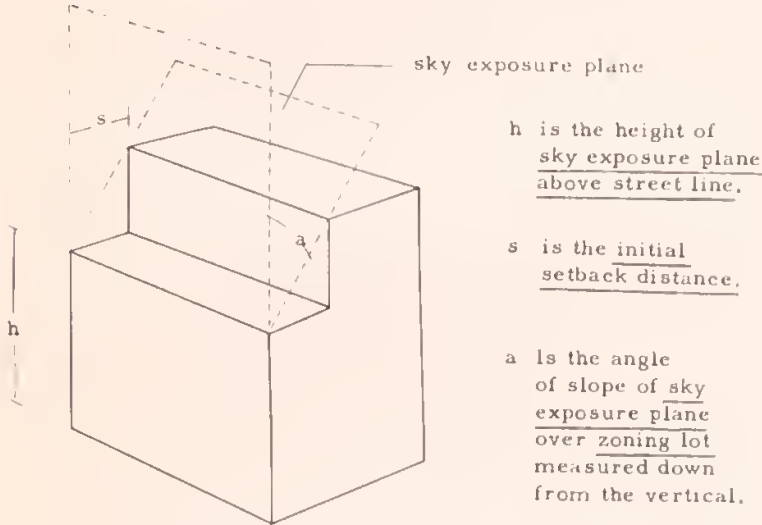


ILLUSTRATION OF SKY EXPOSURE PLANE
SECTION 23-632

23-64 Alternate Front Setbacks

In the districts indicated, if an open area is provided along the front lot line with the minimum depth set forth in the following table, the provisions of Section 23-63 (Maximum Permitted Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such an open area shall be measured perpendicular to the front lot line. However, in such instances no building or other structure shall penetrate the alternate sky exposure plane set forth

Underlined words in text are defined in Section 12-10.

in the following table. In such cases, the sky exposure plane shall be measured from a point above the street line. Such open area is eligible for the bonus provided for plazas in Section 23-04 (Floor Area Bonus for a Plaza) and Section 23-14 (Density Bonus for a Plaza).

Depth of optional front open area (in feet)		Alternate sky exposure plane		
		Height above street line (in feet)	Angle of slope over zoning lot (measured down from the vertical, in degrees)	
On narrow street	On wide street			On narrow street
15	10	60	15	7½
15	10	85	15	7½

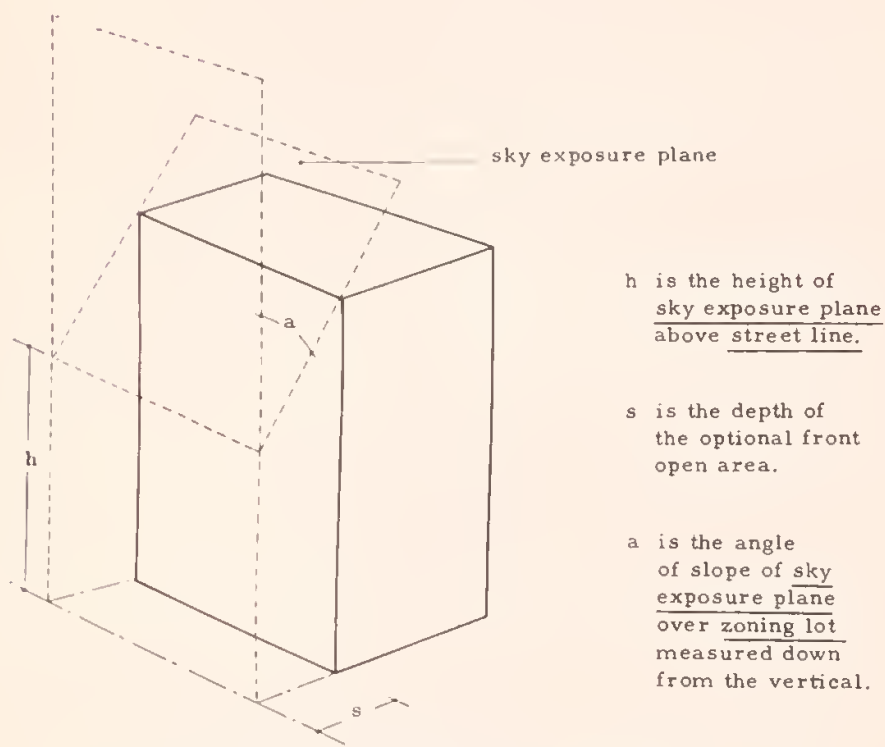


ILLUSTRATION OF ALTERNATE SKY EXPOSURE PLANE
SECTION 23-64

Supplementary Regulations

In the district indicated, any building or buildings or portion or portions thereof which in the aggregate occupy not more than 40 percent of the area of a zoning lot (hereinafter referred to as a tower), may penetrate an established sky exposure plane. However, at any level, such tower shall be set back from a street line as follows:

- (a) On narrow streets, by a distance at least one-third of the aggregate width of street walls of the tower at such level, provided that such setback need not exceed 50 feet.

23-65 Tower Regulations, continued

Diagram illustrating the relationship between building width (w) and street width (s) for a building footprint. The diagram shows a building footprint (a rectangle) with width w and setback s from the street. The building is situated at the intersection of a "wide street" and a "narrow street".

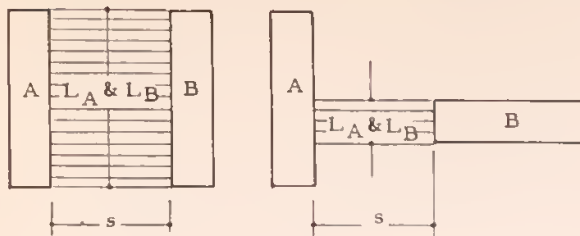
s is the required setback from streets.

w is the aggregate width of street walls.

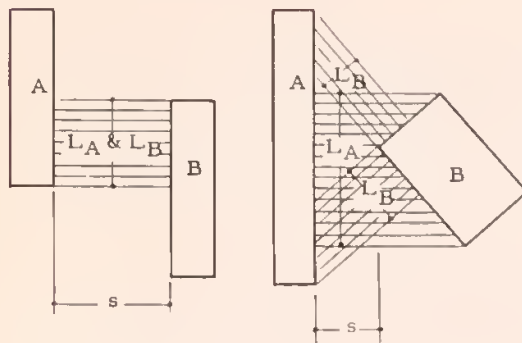
ILLUSTRATION OF TOWER
SECTION 23-65

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Underlined words in text are defined in Section 12-10.

23-71 Minimum Distance between Buildings on a Single Zoning Lot, continued

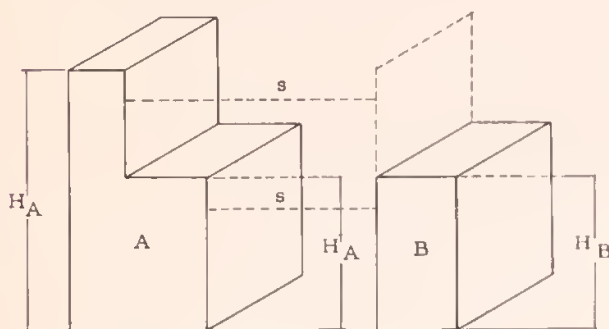
s is the required minimum distance between a wall of building A and a wall of building B.



L_A is the length of building A, as defined.

L_B is the length of building B, as defined.

ILLUSTRATION OF SECTION 23-71



H_A is the height
of building A,
as defined,

H_B is the height of building B, as defined,

ILLUSTRATION OF SECTION 23-71

SIDE VIEW

23-72 Modified Requirements for High-Density Districts

In the districts indicated, on any zoning lot containing not more than two buildings and having a lot area of not more than 100,000 square feet, the minimum distance of any open area between the buildings shall be 30 feet, or the minimum distance required under the following formula, whichever is greater:

$$S = \frac{L_A + L_B + H_A + H_B}{6}, \quad \text{where } S, L_A, L_B, H_A, \text{ and } H_B$$

shall have the same meaning as in Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot).

However, if neither building exceeds in height nine stories or 85 feet, whichever is less, the minimum distance required between such two buildings need not be more than 80 feet.

Supplementary Regulations

23-73 Subdivision of a Zoning Lot after Development

In all districts, as indicated, after any portion of a zoning lot has been developed under the provisions of Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot) or Section 23-72 (Modified Requirements for High-Density Districts), such zoning lot may be divided into smaller zoning lots only if each resulting zoning lot and building or buildings thereon conforms to all the bulk regulations of the district in which they are located.

[illegible]

23-80

MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE WALLS OF THE SAME BUILDING -
COURT REGULATIONSDefinitions and General Provisions23-81 Definitions (repeated from Section 12-10)CourtA "court" is either an inner court or an outer court.Court, inner

An "inner court" is any open, unoccupied area which is bounded by:

- (a) Walls, or
- (b) Walls and lot lines, other than a front lot line, or
- (c) Walls on three sides with an opening on a side yard or an open area (along a side lot line) extending from the front to the rear of the building and having a minimum width of less than 30 feet at any point.

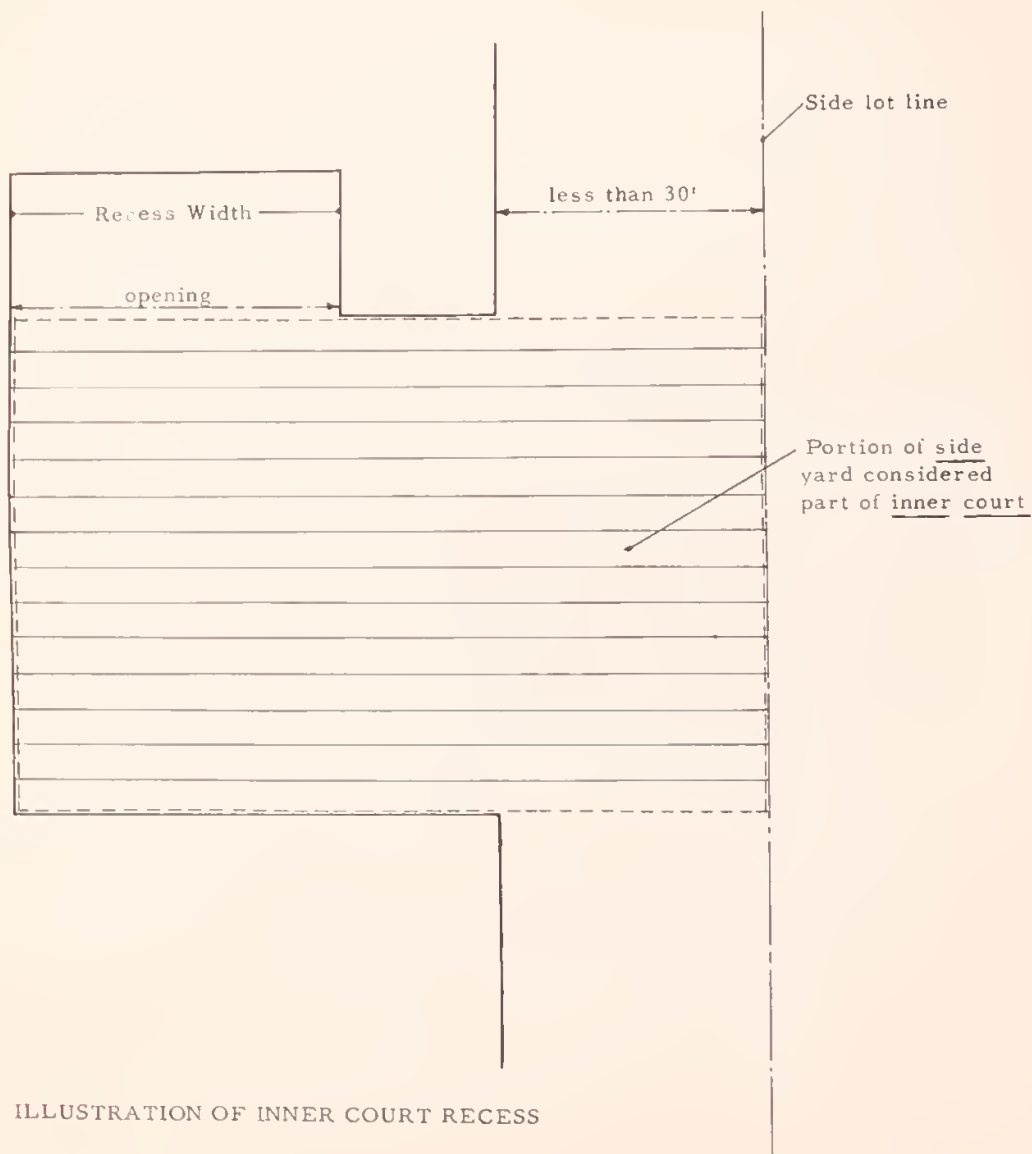
Court recess, innerAn "inner court recess" is any portion of an inner court which cannot be included within the smallest horizontal rectangle which may be inscribed within such inner court.

ILLUSTRATION OF INNER COURT RECESS

Definitions and General Provisions, continued23-81 Definitions (repeated from Section 12-10), continuedCourt, outer

An "outer court" is any open, unoccupied area, other than a yard, which

- (a) Is bounded by walls or by walls and a lot line, and
- (b) Opens on a front lot line, a front yard or other open area along a front lot line, a required rear yard or other open area along a rear lot line, or an open area along a side lot line extending from the front to the rear of the building and having a minimum width of at least 30 feet.

Court, depth of outer

The "depth of outer court" is the maximum horizontal distance between the opening of an outer court and the wall opposite such opening, measured perpendicular to the direction of the outer court opening.

Court, width of outer

The "width of outer court" is the minimum horizontal dimension of an outer court, excluding an outer court recess, measured parallel to the opening of such outer court.

Court recess, outer

An "outer court recess" is any portion of an outer court which, when viewed directly from above, cannot be covered by imaginary lines drawn perpendicular to a line drawn across the outer court opening.

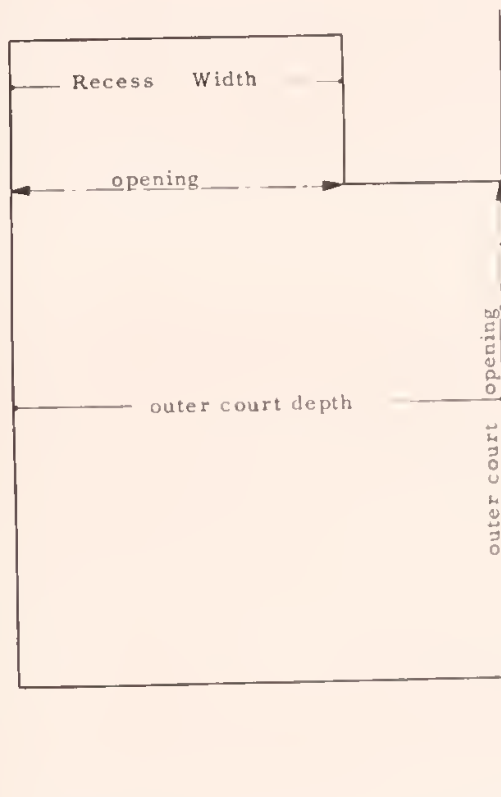


ILLUSTRATION OF OUTER COURT RECESS

Definitions and General Provisions, continued23-81 Definitions (repeated from Section 12-10), continuedLegally required windows

"Legally required windows" include all windows in exterior walls serving any interior space in which persons live, sleep, work, or congregate, except:

(a) In space used for living or sleeping purposes, windows or parts of windows whose area is in excess of 10 percent of the area of rooms used for such purposes, including alcoves adjacent to such rooms (as specified in Section 30 of the Multiple Dwelling Law and in Section C 26-261.0 of the Administrative Code), or

(b) In space not used for living or sleeping purposes, windows or parts of windows whose area is in excess of the area which would provide required ventilation without using mechanical ventilation (as specified in Section C 26-266.0 of the Administrative Code for rooms with windows), or

(c) Windows in space used for commercial or manufacturing uses, if sufficient mechanical ventilation is provided (as specified in Section C 26-266.0 of the Administrative Code for rooms without windows).

For the purposes of this definition, interior space in which persons live, sleep, work, or congregate shall not include water closet compartments, bathrooms, stairs, cooking compartments with less than 59 square feet, laundry rooms, storerooms, or utility rooms. Where two or more windows (or parts thereof) are needed to satisfy the legal requirements for light or ventilation, each such window shall be considered to be a legally required window.

Basic Regulations23-82 Building Walls Regulated by Minimum Spacing Formula

In all districts, as indicated, when any two parts of a single building are each 40 feet or more in height, and are connected by one or more parts of such building not more than 23 feet in height, the minimum spacing formula set forth in Section 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) or Section 23-72 (Modified Requirements for High-Density Districts) shall apply.

23-83 Minimum Dimensions of Outer Courts

In all districts, as indicated, where the provisions of Section 23-82 (Building Walls Regulated by Minimum Spacing Formula) do not apply, the minimum distance between different walls of the same building shall conform to the regulations set forth in the following Sections:

Section 23-84 (Narrow Outer Courts)

Section 23-85 (Wide Outer Courts)

Section 23-86 (Outer Court Recesses)

Section 23-87 (Minimum Dimensions of Inner Courts)

Section 23-88 (Inner Court Recesses)

Section 23-89 (Minimum Required Distance between Legally Required Windows and Wall Lot Lines)

Section 23-90 (Minimum Required Distance between Legally Required Windows and Any Wall in a Court)

23-84 Narrow Outer Courts

In all districts, as indicated, if an outer court is less than 30 feet wide, the width of such outer court must be at least twice the depth of such outer court.

DISTRICTS									
R1	R2	R3	R4	R5	R6	R7	R8	R9	
R1	R2	R3	R4	R5	R6	R7	R8	R9	
R1	R2	R3	R4	R5	R6	R7	R8	R9	
R1	R2	R3	R4	R5	R6	R7	R8	R9	
R1	R2	R3	R4	R5	R6	R7	R8	R9	
R1	R2	R3	R4	R5	R6	R7	R8	R9	
R1	R2	R3	R4	R5	R6	R7	R8	R9	
R1	R2	R3	R4	R5	R6	R7	R8	R9	

In all districts, as indicated, if an outer court is 30 feet or more in width, the width of such outer court must be at least equal to the depth of such outer court. However, if the opening of an outer court is 60 feet or more in width, the provisions of this Section shall not apply.

In all districts, as indicated, the minimum width of the opening of an outer court recess shall be at least twice the depth of the recess. However, if the recess opening is 60 feet or more in width, the provisions of this Section shall not apply to such recess.

In all districts, as indicated, for any inner court, the area of the smallest horizontal rectangle which may be inscribed within such an inner court shall be not less than 1,200 square feet, and the minimum dimension of such rectangle shall be 30 feet. For the purpose of this Section, that portion of a yard over which, when viewed from directly above, lines perpendicular to a lot line may be drawn to extend into an inner court shall be considered part of that inner court.

In all districts, as indicated, the minimum width of the opening of an inner court recess shall be at least twice the depth of the recess. However, if the recess opening is 60 feet or more in width, this provision shall not apply.

In all districts, as indicated, except for one- or two-story residential buildings, the minimum distance between any legally required window and any wall, or any rear or side lot line, shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

In all districts, as indicated, the minimum distance between a legally required window opening on an inner court and any wall of such court shall be not less than one-half the height of such wall, measured in a horizontal plane at the sill level of, and perpendicular to, such window, except that such dimension need not exceed 60 feet.

[illegible]

District	Maximum Floor Area Ratio	Minimum Lot Area per Dwelling Unit (in square feet)						Per room in excess of 6	Minimum Open Space Ratio
		Number of rooms in dwelling unit (excluding kitchens)							
		1	2	3	4	5	6		
R1	50	5,700	5,700	5,700	5,700	5,700	5,700	None	150
R2	50	3,800	3,800	3,800	3,800	3,800	3,800	None	150
R3	50	840	1,440	1,780	2,020	2,230	2,450	200	150
R4	70	610	1,070	1,310	1,500	1,660	1,820	150	90
R5	100	470	810	990	1,130	1,250	1,380	110	60
R6	200	250	450	560	630	700	760	50	30
R7	280	190	350	430	490	540	600	40	20
R8	450	130	230	290	320	360	390	30	10
R9	1,000	65	120	140	170	190	210	20	None

Height and Setback Requirements												
Standard Regulations									Alternate Regulations			
District	Initial set-back distance (in feet)		Maximum height of front wall or other por- tion of build- ing within setback distance		Sky exposure plane			Initial set- back distance (in feet)		Sky exposure plane		
					Height above street line or frnt yard line (in feet)	Angle of slope over zoning lot (in degrees)				Height above street line or front yard line (in feet)	Angle of slope over zoning lot (in degrees)	
	Narrow street	Wide street	(in feet)	(in stories)		Narrow street	Wide street	Narrow street	Wide street		Narrow street	Wide street
R1	None	None	Street level	Street level	20 ^a / ₁	45	45	--	--	--	--	--
R2	None	None	Street level	Street level	20 ^a / ₁	45	45	--	--	--	--	--
R3	None	None	Street level	Street level	20 ^a / ₁	45	45	--	--	--	--	--
R4	None	None	Street level	Street level	20 ^a / ₁	45	45	--	--	--	--	--
R5	None	None	Street level	Street level	30 ^a / ₁	45	45	--	--	--	--	--
R6	20	15	60	6	60 ^b / ₁	20	10	15	10	60 ^b / ₁	15	7½
R7	20	15	60	6	60 ^b / ₁	20	10	15	10	60 ^b / ₁	15	7½
R8	20	15	85	9	85 ^b / ₁	20	10	15	10	85 ^b / ₁	15	7½
R9	20	15	85	9	85 ^b / ₁	20	10	15	10	85 ^b / ₁	15	7½

^a/ Above front yard line.

^b/ Above street line.

REGULATIONS IN
DISTRICTS

District	Minimum Lot Size				Yard Requirements							
	Single-family or two-family detached residences		Other types of residences		Front Yards	Rear Yards	Side Yards					
							Single-family or two-family detached residences			Other types of residences		
							Number required	Minimum width (in feet)		Number required	Minimum width if provided (in feet)	
	Area (in square feet)	Width (in feet)	Area (in square feet)	Width (in feet)	Depth (in feet)	Depth (in feet)		Combined	Each		Combined	Each
R1	5,700 ^{c/}	60 ^{c/}	--	--	15	30	2 ^{c/}	20 ^{c/}	8 ^{c/}	--	--	--
R2	3,800 ^{c/}	40 ^{c/}	--	--	15	30	2 ^{c/}	13 ^{c/}	5 ^{c/}	--	--	--
R3	3,800	40	1,700	18	15	30	2	13	5	2	16	8
R4	3,800	40	1,700	18	15	30	2	13	5	2	16	8
R5	3,800	40	1,700	18	10	30	2	13	5	2	16	8
R6	3,800	40	1,700	18	None	30	2	13	5	None	16	8
R7	3,800	40	1,700	18	None	30	2	13	5	None	16	8
R8	3,800	40	1,700	18	None	30	2	13	5	None	16	8
R9	3,800	40	1,700	18	None	30	2	13	5	None	16	8

District	Minimum Spacing between Any Two Buildings on Same Zoning Lot (in feet)	Minimum Dimensions of Courts				Minimum Distance between Windows and Walls on Lot Lines	
		Minimum width of outer court		Minimum dimensions of smallest horizontal rectangular open area in any inner court		Between window and any wall or rear or side lot line (in feet)	Between window on inner court and court wall (in feet)
				Area (in square feet)	Length of any side (in feet)		
		If less than 30 feet wide	If more than 30 feet wide				
R1	30 or formula ^{d/}	2 x depth	1 x depth	1,200	30	30 ^{f/}	$\frac{1}{2}$ height of wall
R2	30 or formula ^{d/}	2 x depth	1 x depth	1,200	30	30 ^{f/}	$\frac{1}{2}$ height of wall
R3	30 or formula ^{d/}	2 x depth	1 x depth	1,200	30	30 ^{f/}	$\frac{1}{2}$ height of wall
R4	30 or formula ^{d/}	2 x depth	1 x depth	1,200	30	30 ^{f/}	$\frac{1}{2}$ height of wall
R5	30 or formula ^{d/}	2 x depth	1 x depth	1,200	30	30 ^{f/}	$\frac{1}{2}$ height of wall
R6	30 or formula ^{d/}	2 x depth	1 x depth	1,200	30	30 ^{f/}	$\frac{1}{2}$ height of wall
R7	30 or formula ^{d/}	2 x depth	1 x depth	1,200	30	30 ^{f/}	$\frac{1}{2}$ height of wall
R8	30 or formula ^{d/} or ^{e/}	2 x depth	1 x depth	1,200	30	30 ^{f/}	$\frac{1}{2}$ height of wall
R9	30 or formula ^{d/} or ^{e/}	2 x depth	1 x depth	1,200	30	30 ^{f/}	$\frac{1}{2}$ height of wall

^{c/} Single-family detached residences only

$$\frac{d}{s} = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

$$\frac{e}{s} = \frac{L_A + L_B + H_A + H_B}{6}$$

This formula is applicable to all lots containing not more than 100,000 square feet and not more than two buildings.

^{f/} Except one- and two-story residential buildings.

Summary of Density Regulations
(Lot area per dwelling unit and
dwelling units per acre) ^{1/}

Rooms per Dwelling Unit (Kitchen Excluded)													
District	Open Space Ratio	1		2		3		4		5		6	
		A	B	A	B	A	B	A	B	A	B	A	B
R5	60	470	92	810	54	990	44	1130	38	1250	35	1380	31
	61	461	94	794	55	971	45	1108	39	1225	35	1353	32
	62	451	96	778	56	951	46	1085	40	1200	36	1325	33
	63	442	98	762	57	931	47	1063	41	1175	37	1298	33
	64	433	100	746	58	911	48	1040	42	1150	38	1270	34
	65	423	103	729	60	891	49	1017	43	1125	38	1242	34
	66	414	105	713	61	872	50	995	44	1100	39	1215	36
	67	404	108	697	62	852	51	972	45	1075	40	1187	36
	68	395	110	681	64	832	52	950	46	1050	41	1160	37
R6	30	250	174	450	97	560	78	630	69	700	62	760	57
	31	245	178	441	99	549	79	618	70	686	63	745	58
	32	240	181	432	101	538	81	605	72	672	65	730	59
	33	235	185	423	103	527	82	593	73	658	66	715	61
	34	230	189	414	105	516	84	580	75	644	67	700	62
	35	225	193	405	107	504	86	567	77	630	69	684	63
	36	220	198	396	110	493	88	555	78	616	70	669	65
	37	215	202	387	112	482	90	542	80	602	72	654	66
	38	210	207	378	115	471	92	530	82	588	74	639	68
	39	205	212	369	118	460	94	517	84	574	76	624	70
	40	200	218	360	121	448	97	504	86	560	78	608	71
R7	20	190	229	350	124	430	101	490	89	540	80	600	72
	21	186	234	343	127	422	103	481	90	530	82	588	74
	22	182	239	336	129	413	105	471	92	519	84	576	75
	23	178	244	329	132	405	107	461	94	508	85	564	77
	24	174	250	322	135	396	110	451	96	497	87	552	79
	25	171	254	315	138	387	112	441	99	486	89	540	80
	26	167	261	308	141	379	115	432	101	476	91	528	82
	27	163	267	301	144	370	117	422	103	465	93	516	84
	28	159	274	294	148	362	120	412	105	454	96	504	86
	29	155	281	287	152	353	123	402	108	443	98	492	88
	30	152	286	280	155	344	126	392	111	432	101	480	90
R8	10	130	335	230	189	290	150	320	136	360	121	390	111
	11	127	343	224	194	282	154	311	140	350	124	379	115
	12	123	354	217	200	273	159	301	144	339	128	367	118
	13	119	366	210	207	264	165	292	149	328	133	355	122
	14	115	379	203	214	256	170	282	154	317	137	344	126
	15	111	392	196	222	247	176	272	160	306	142	332	131
	16	107	407	189	230	238	183	263	165	296	147	320	136

A Required lot area per dwelling unit (square feet)

B Permitted dwelling units per acre

^{1/} This table is not a part of the resolution but is set forth to assist in interpreting the residential density regulations and illustrate the effect of the density bonus as the Open Space Ratio increases over the minimum required in the district. In R1, R2, R3, R4 and R9 Districts, there is no density bonus. Required lot area per dwelling unit in these districts is set forth in Section 23-12. In each district, the highest density shown in the table includes the maximum permitted density bonus.

Open Space Ratios, by Floor Area
Ratio and Number of Stories 1/

Floor Area Ratio	Number of Stories								
	2	3	6	8	10	12	14	18	21
50	150	166	183	187	190	191	193	194	195
60	117	133	150	154	157	158	159	161	162
70	93	109	126	130	133	135	136	137	138
80	75	92	108	112	115	117	118	119	120
90	61	78	94	99	101	103	104	105	106
100	50	67	83	88	90	92	93	94	95
110	41	58	74	78	81	83	84	86	86
120	33	50	67	71	73	75	76	77	79
130	27	44	60	64	67	69	70	71	72
140	21	38	55	59	61	63	64	66	67
150	17	33	50	54	57	58	60	61	62
160	13	29	46	50	53	54	56	57	58
170	9	25	42	46	49	50	52	53	54
180	6	22	39	43	46	47	48	50	51
190	3	19	36	40	43	44	45	47	48
200	-	17	33	38	40	42	43	44	45
210	-	14	31	35	38	39	41	42	43
220	-	12	29	33	35	37	38	40	41
230	-	10	27	31	33	35	36	38	39
240	-	8	25	29	32	33	34	36	37
250	-	7	23	27	30	32	33	34	35
260	-	5	22	26	28	30	31	33	34
270	-	4	20	24	27	29	30	31	32
280	-	2	19	23	26	27	29	30	31
290	-	1	18	22	24	26	27	29	30
300	-	-	17	21	23	25	26	28	29
320	-	-	15	19	21	23	24	26	27
340	-	-	13	17	19	21	22	24	25
360	-	-	11	15	18	19	21	22	23
380	-	-	10	14	16	18	19	21	22
400	-	-	8	13	15	17	18	19	20
420	-	-	7	11	14	15	17	18	19
440	-	-	6	10	13	14	16	17	18
460	-	-	5	9	12	13	15	16	17
480	-	-	4	8	11	13	14	15	16
500	-	-	3	7	10	12	13	14	15
550	-	-	2	6	8	10	11	13	13
600	-	-	-	4	7	8	10	11	12
650	-	-	-	3	5	7	8	10	11
700	-	-	-	2	4	6	7	9	10
750	-	-	-	1	3	5	6	8	9
800	-	-	-	-	3	4	5	7	8
850	-	-	-	-	2	3	5	6	7
900	-	-	-	-	1	3	4	6	6
950	-	-	-	-	1	2	3	5	6
1000	-	-	-	-	-	2	3	4	5

1/ This table is not a part of the resolution but is set forth to assist in interpreting the residential bulk regulations. The district requirements, as stated in the proposed resolution, may not permit certain of the combinations of Floor Area Ratio and height illustrated in the table. The Open Space Ratios shown are merely illustrative of those which result when a building of a given height and Floor Area Ratio is built on a zoning lot. All stories are assumed to be of equal floor area. Fractional amounts have been rounded off for convenience.

**Summary of Maximum Permitted and Possible Floor Area Ratios
at Applicable Open Space Ratios**

Floor Area Ratio Bonus per Point by Which Open Space Ratio Exceeds <u>Minimum</u>	Open Space Ratio	Maximum Floor Area Ratio at Number of Stories Indicated ^{1/}											
		6		10		14 (125 feet)		16 (143 feet)		18 (161 feet)		20 or 21 (178 feet)	
		<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>
R5 District													
10	60	100		100		100		2/ 100		2/ 100		2/ 100	
	61	110		110		110		110		100		110	
	62	120		120		120		120		110		100	
	63		126		130		130		120		110		
	64		124		135		140		130		120		
	65		123		133		138		140		130		
	66		121		131		137	138			140		
	67		120		130		135	137	138				
68		118		129		133	135	136			138		
R6 District													
20	30	200		200		200		2/ 200		2/ 200		2/ 200	
	31		210		220		220		220		200		
	32		205		240		240		240		220		
	33		200		230		250				220		
	34		196		225		240	245			240		
	35		193		220		235	240	245				
	36		190		216		230	235	240			245	
	37		186		213		225	230	235			240	
R7 District													
30	20		270		280		280		2/ 280		2/ 280		2/ 280
	21		265		310		310		310		280		
	22		260			310	340		340		310		
	23		250			300		330				280	
	24		245			290		320		340		310	
	25		240			285		310	330			340	
	26		235			280		300	320				
									310			330	
R8 District													
35	10		380		450		450		2/ 450		2/ 450		2/ 450
	11		370			480	485		485		450		
	12		350			470	520				485		
	13		340			440		500				450	
	14		330			420		480	490			485	
	15		320			400		460	470	500			
	16		310			380		440	450	480		500	
										460		480	

A Floor Area Ratios in this column are the maximum permitted at the Open Space Ratio shown.

B Floor Area Ratios in this column are less than the maximum permitted but are the highest actually achievable for a building of the number of stories indicated at the Open Space Ratio shown.

^{1/} This table is not a part of the resolution but is set forth to assist in interpreting the floor area bonus regulations. There is no floor area bonus for increased Open Space Ratios in R1, R2, R3, R4, or R9 Districts. The lowest Open Space Ratio indicated above in each district is the minimum required for the district. Floor Area Ratios for buildings of heights other than those shown can be determined or interpolated from the table on page 83. Maximum height is set by Section 26 of the Multiple Dwelling Law.

^{2/} Because of the increased Open Space Ratio required for tall buildings (Section 23-24), a building of the height indicated cannot be constructed in this district at this Open Space Ratio.

Explanation of Residential Parking and Loading Regulations

The Problem

The automobile, a notorious space consumer, has become one of the most important influences on the character of residential neighborhoods in the City of New York. Increasing car ownership and utilization, especially since World War II, have relegated more and more streets to the role of permanent parking places, with a resultant increase in congestion, noise and danger. The additional "automobile population" generated by a large apartment building with inadequate parking facilities frequently has a more serious impact on a neighborhood than the increased load on schools and other community facilities. The irritating job of finding a place to park has become an almost universal problem for families in many areas of the City. New as well as old residents of many areas must often search outside their own neighborhood to find a place to park.

Since 1947, the City's car population has increased about half a million while the number of off-street parking spaces provided for new dwelling units constructed since that date only total about 125,000. Recent experience has thoroughly demonstrated that as the standard of living advances, the residential living space needs of families must be expanded to include space for the family automobile.



Inadequate off-street parking facilities. Street lined with parked cars requires delivery truck to park double.

The problem of the shortage of adequate parking space in residential areas promises to grow in the future. Since only about half of the City's families own cars at present, it is safe to assume a continued increase in automobile ownership. If the 1950 to 1957 rate of increase in automobile registration is duplicated in the next six to seven years, approximately one and one-half million automobiles will be searching for a place to park.

The proposed residential off-street parking regulations have three major purposes:

- 1) To prevent the saturation of streets in the developing low-density residential areas with cars parked on the street.
- 2) To encourage and require more off-street parking in medium- and high-density areas to help relieve the pressure on the streets for parking.
- 3) To insure that parking facilities in all residential areas meet adequate design standards in order not to endanger the residential character of the neighborhood.

Proposed Requirements - Parking for Residences

Basic Requirements (Sections 24-20, 24-21, 24-22, 24-23)

Under Section 19-B of the present zoning resolution, new single- and two-family dwellings are required to provide at least one parking space per family in all area districts except those in which the higher bulk and densities are permitted. For new multiple dwelling development, spaces ranging from 30 to 60 percent of the dwelling units are required, these percentages decreasing as the bulk permitted in the area district increases.



Inadequate off-street parking facilities. When vacant lot is gone, what happens to these cars?

In view of both the increasing levels of automobile ownership in the City and the trends in the voluntary provision of parking in residential developments since World War II, these requirements appear to be unnecessarily low. In the primary growth areas of the City, the percentage of families owning automobiles is already high. In Queens, for example, where about half of the residences constructed since 1947 are located, 85 percent of the families own automobiles. Even in new relatively high-density residential developments where parking space is scarce, automobile registrations indicate that most of the families own automobiles. Those families who can afford to live in new, privately built residences of all types are most likely to have cars.

In recognition of these clear-cut trends in automobile ownership, approximately 90 percent of all multiple dwelling projects constructed throughout the entire City since World War II have provided parking. In these projects an average of 45 percent of the dwelling units have been provided with off-street parking spaces -- mostly in basement garages. The average for Queens and the Bronx is 50 percent. Throughout the City projects built at Floor Area Ratios between 200 and 400 have fairly consistently provided space for almost 50 percent of the dwelling units despite the fact the current zoning requirements for such projects are only 30 percent or 40 percent. For projects with Floor Area Ratios of 500 and more (including many in Manhattan), parking spaces have been provided for over 40 percent of the dwelling units even in areas where only 20 percent are presently required.

In connection with surveys of parking spaces provided in residential projects built since 1947, a special study was made of selected projects in four major residential "growth areas" of the City in Queens and the Bronx, in which more than 50 percent of the dwelling units had been provided with parking spaces. In almost every case, the operators of the parking fa-

cilities reported that all spaces were rented and that in many cases there were waiting lists for these spaces.

Two basic changes from the present resolution are proposed. First, higher parking requirements are established in line with recent substantial increases in automobile ownership and utilization, particularly among those persons who will be living in the new private housing of all types to which these requirements will apply. Secondly, the requirements are related to the type of parking facilities provided rather than the type of dwelling constructed.

For all single-family dwellings and other residences for which parking space is provided individually for each dwelling unit, one space per dwelling unit is required in all districts. For all other types of residences where parking is provided in group facilities (either a parking lot, a large parking garage or a group of single-car garages served from a common driveway or access road), required parking is expressed as a percentage of the dwelling units for which spaces must be provided. In the low-density Residence Districts, (R1, R2, R3, and R4), 100 percent of the dwelling units must be provided with at least one parking space, and in the R5 District 85 percent of the dwelling units must have at least one space. In the areas of Staten Island, outer Queens, and the outlying parts of Brooklyn and the Bronx where most of these districts are mapped, automobile ownership is at the level of approximately one car per family. In R3, R4 and R5 Districts, a development built at the average density permitted in the district would be able to satisfy the proposed parking requirements by means of open lot parking without utilizing more than the allowed one-half of the total open portion of the lot. The costs of this type of open lot parking are not high.

In the R6, R7, R8, and R9 Districts, parking requirements are decreased as the permitted bulks and densities increase, since the provision of parking spaces by means of garaging is unavoidable. Requirements approaching 100 percent of the dwelling units were considered to be too costly even though in many of the areas where these districts are mapped, automobile ownership is presently close to one car per family, particularly for residents of newly constructed dwellings.

The following table summarizes these key items:

- 1) The proposed parking requirements for the higher density districts.
- 2) The percentage of the total spaces required that can be developed in half of the open space on the lot, which is the maximum proportion of the open space on the lot permitted to be used for parking by the bulk regulations.
- 3) The remainder of the required spaces, assumed to be provided in a basement garage.
- 4) The average cost of construction per space for the parking provided in this way, including both the open parking and the spaces in the garage.



Generous off-street parking space provided in new development. Levitt House, Queens.

These figures are based on the normal bulks and densities for which the districts are designed and thus would not necessarily apply to projects developed at the maximum permitted bulk and density.

In the R6 and R7 Districts, the cost of providing the required parking is not excessive, principally because substantial numbers of parking spaces can be provided in the open space at fairly low cost. The remaining spaces would fit into the basement of the residential building and still leave room for other necessary basement facilities.

In the R8 and R9 Districts, the cost of providing the required parking is higher. However, many developers building at equivalent bulks and densities are currently providing more parking than these regulations would require. The survey of multiple dwellings constructed since 1947 shows that for buildings in the Floor Area Ratio range of the R8 District, an average of 47 percent of the dwelling units have been provided with parking space. For buildings in the Floor Area Ratio range of the R9 District (1000 and over), an average of 41 percent of the dwelling units have been supplied with parking space. While these figures may be high because of possible over-reporting of the actual number of spaces provided, it appears that provision of parking in high-density residential development is economically feasible.

Modifications of Requirements (Sections 24-24, 24-25, 24-26)

In the higher density districts where some garaging is necessary in order to meet the off-street parking requirements, the normal district requirement levels are reduced for small lots of 10,000 square feet or less. The reduced requirements would not necessitate the construction of any garage space for buildings developed at normal bulks and densities on such lots, except in R9 Districts. This reduction is granted to avoid causing substantial hardship resulting from both the cost and difficulty of layout of parking facilities on small lots. However, complete waiver of requirements for small lots was not considered equitable, since a development on a small lot could attract as many as 30 or 40 additional cars without providing any parking space off the street.

Residential Parking Requirements
and Estimated Cost of Construction

District	Parking Spaces Required, as Percent of Dwelling Units	Percent of Required Parking Spaces Provided in		Average Cost of Construction for All Parking Spaces Provided
		Half of Open Space	Garage	
R6	70	70	30	\$ 750
R7	60	55	45	980
R8	50	25	75	1500
R9	40	--	100	2500

In the higher density Residence Districts the parking requirements are entirely waived if only five spaces or less would have to be provided. This waiver will permit exceptionally small new developments and small-scale conversions to occur without the expense of providing parking facilities. A deficit of five off-street spaces should not cause substantial harm to the surrounding neighborhood.

The provision of the present resolution regarding the modification of requirements for public housing projects is included in full. This waiver permits such housing projects to provide only half of the normally required number of spaces as long as there is sufficient additional open space which in the opinion of the Zoning Administrator is capable of being converted to parking when needed.

Proposed Requirements --
Parking for Community Facilities
(Section 24-31)

Most community facilities, with the exception of schools, are required to provide parking space, since such facilities could easily compound the traffic and parking problems in residential areas. The requirements vary with the type and size of the establishment and the permitted density of the district.

In the low-density districts (R1 to R5), the standard for community facilities which generate fairly large amounts of traffic is one space for every 500 square feet of floor area; in the medium-density districts (R6 and R7), one per 1,000 square feet; and in the high-density districts (R8 and R9), one per 2,000 square feet. However, these requirements only apply to large establishments in the medium-density districts and very large establishments in the high-density districts. For facilities with generally lower traffic-generating characteristics, the standards are somewhat lower. The table below summarizes the effect of these requirements for certain typical community facilities when located in Residence Districts. The size given is the smallest size for each type of facility for which off-street parking spaces are required.

These requirements are quite modest. Many institutions have already provided parking at a substantially higher rate than required under this proposal. Many recently built churches, for example, have already provided in excess of one space for every 300 square feet of floor area, while a number of hospitals and medical centers have provided about one space for every 700 square feet of floor area.

Limits on Permitted Parking (Section 24-10)

Limitations on large parking facilities are necessary to prevent the creation of traffic hazards which could become harmful to residential living. All accessory off-street parking facilities permitted in Residence Districts are subject to the following conditions relating to the size and purpose of the facility.

Maximum Size of Group Parking Facilities (Section 24-11)

Group parking facilities, which include parking lots, large garages, and groups of single-car garages served from a common driveway or access road, are limited in size to 200 spaces when accessory to residences and to 150 spaces when accessory to community facilities. However, larger facilities may be permitted by the Zoning Administrator if they are designed to keep large amounts of traffic from traversing residential streets, to prevent traffic congestion, and to minimize other adverse effects on their surroundings. This provision does not necessarily limit the total amount of parking space on a single zoning lot, but attempts to control the design of all large parking facilities in order to prevent serious traffic problems.

Additional Limitations (Sections 24-12, 24-13, 24-14, 24-15)

Further limitations are proposed to control both concentrations of parking spaces on small lots and, in some cases, the provision of a substantial number of spaces in excess of those required. Single-family homes on small lots are limited to three parking spaces. Other residential developments in low-density districts (R3, R4, and R5) are limited to two spaces per dwelling unit. However, more spaces are permitted if the Zoning Administrator finds that they are needed for residents of the development or of the immediate neighborhood and that they are designed to prevent harmful effects on the neighborhood.

In the higher density districts, additional limits on accessory parking are established on a basis which relates maximum permitted spaces to the size of the lot. In these districts, this type of control will be more effective than a limit based on the number of dwelling units provided, for it will effectively prevent the over-concentration of spaces on small lots as well as control the number of spaces provided in excess of those required or needed for residents. In R6 and R7 Districts this "automobile density" control would permit up to 150 cars per acre. Thus any development would be permitted to have the equivalent of one full level of parking on an area equivalent to the total lot area of the development, or two levels of parking on an area equivalent to half the total lot area. This would permit the provision of more than one and one-half spaces per dwelling unit in R6 Districts, and slightly over one space per dwelling unit in R7 Districts. In R8 and R9 Districts, a higher permitted "automobile density" would allow about 200 spaces per acre, a parking area equivalent to about one and one-third the area of the zoning lot. This would permit slightly under one space per dwelling unit in R8 Districts and about one space for every two dwelling units in R9 Districts. Particularly in these high-density districts, the "automobile density" control would prevent the development of a 400- to 500-car facility on an acre lot, which if located on a small residential street could cause substantial damage to the neighborhood. If one space per dwelling unit were permitted by

Parking Requirements for Community
Facilities in Residential Districts

	Low Density Districts (R1 to R5)	Medium Density Districts (R6 and R7)	High Density Districts (R8 and R9)
Hospitals			
Square feet of floor area	10,000	10,000	25,000
Parking spaces	20	10	13
Medical Offices			
Square feet of floor area	3,000	6,000	15,000
Parking spaces	6	6	10
Churches, Clubs, Community Centers, etc.			
Square feet of floor area	3,000	15,000	50,000
Parking spaces	6	15	25
Nursing Homes, Institutions for Children and Aged, etc.			
Square feet of floor area	10,000	25,000	50,000
Parking spaces	10	17	25

right in R9 Districts, for example, facilities of this size could easily develop.

Again, waivers may be granted if the Zoning Administrator finds that additional spaces are needed by residents of the development or the neighborhood and are designed to prevent harmful effects on the neighborhood.

Additional Regulations (Section 24-60)

Additional regulations establish the following design standards for accessory parking for both residences and community facilities:

- 1) Size of parking spaces (Section 24-62). The minimum permitted size of parking stalls is 8 feet, 6 inches in width and 18 feet in length. A gross standard of 300 square feet per car is also established for all parking areas, with the provision that facilities with certain design or operational efficiencies may provide less than 300 square feet if approved by the Zoning Administrator.
- 2) Proximity to street intersections (Section 24-63). In order to minimize traffic hazards, entrances and exits of all parking facilities with 10 or more spaces may not be located within 50 feet of a street intersection.
- 3) Surfacing (Section 24-65). All open parking areas are required to be paved with permanent solid concrete, asphalt, or other dustless material.
- 4) Screening (Section 24-66). Screening, in the form of either a solid fence or shrubbery, is required to protect neighboring residences

from open parking lots with 10 spaces or more. Groups of individual garages, attached or detached, also require screening.

Restrictions on Operation and Location (Sections 24-40 and 24-50)

In addition to limits on the size of accessory parking facilities, certain necessary controls are also proposed on their operation and location. Briefly stated, these regulations are as follows:

- 1) Provisions to insure that the required accessory parking facilities are reserved primarily for the use of residents of the development.
- 2) A requirement that accessory parking spaces, when provided off the site, may not be more than 600 feet from the zoning lot which they serve.
- 3) Standards for the Zoning Administrator's review of off-site accessory parking facilities for community facilities in order to minimize the potential adverse effects on the neighborhood.
- 4) Provisions permitting joint parking facilities to be provided to serve two or more developments.

Off-Street Loading Regulations (Section 24-70)

Hospitals are the only use permitted in Residence Districts for which off-street loading berths are required. The provisions of this proposal for required berths are exactly the same as those now in effect under Section 19-A of the present resolution.

Chapter 4 Accessory Off-Street Parking and Loading Regulations

OFF-STREET PARKING REGULATIONS

24-00 GENERAL PURPOSES AND DEFINITIONS

24-01 General Purposes

The following regulations on permitted and required accessory off-street parking spaces are adopted in order to provide needed space off the streets for parking in connection with new residences, to reduce traffic congestion resulting from the use of streets as places for storage of automobiles, to protect the residential character of neighborhoods, to provide for a higher standard of residential development within the City, and thus to promote and protect the public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare.

24-02 Definitions (repeated from Section 12-10)

Group parking facility

A "group parking facility" is a building or other structure or a tract of land, used for the storage of motor vehicles, which contains more than one parking space, which has access to the street common to all spaces, and which, if accessory to a residential use, is designed to serve more than one dwelling unit. A group parking facility shall include, but is not limited to, the following:

- (a) An open parking area
- (b) Parking spaces included within, or on the roof of, a building not primarily used for parking
- (c) A building or buildings used primarily for parking, including a group of individual garages.

Legal capacity

The "legal capacity" of places of public assembly is the number of persons permitted by the Department of Buildings (as specified in Section C 26-1439.0 of the Administrative Code) to occupy those places of public assembly listed in the Use Groups under parking requirement category D or parking requirement category E, or these same uses when permitted only by special permit.

24-10 PERMITTED ACCESSORY OFF-STREET PARKING SPACES

24-11 General Provisions

In all districts, as indicated, accessory off-street parking spaces, open or enclosed, may be provided for residences or for permitted community facility uses, subject to the provisions set forth in Section 24-12 (Maximum Size of Accessory Group Parking Facilities), Section 24-13 (Maximum Spaces for Single-Family Detached Residences), and Section 24-14 (Maximum Spaces for Other than Single-Family Detached Residences).

24-12 Maximum Size of Accessory Group Parking Facilities

In all districts, as indicated, no group parking facility accessory to residences shall contain more than 200 off-street parking spaces, and no such facility accessory to permitted community facility uses shall contain more than 150 off-street parking spaces, unless the Zoning Administrator determines that the following conditions are met:

- (a) That access for such facility is located so as to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage, and

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9

Underlined words in text are defined in Section 12-10.

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
		R3	R4	R5	R6	R7	R8	R9
		R3	R4	R5				
					R6	R7		
							R8	R9
		R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9

90

24-24 Modification of Requirements for Small Zoning Lots, continuedParking Spaces Required
for Small Zoning LotsPercent of
total dwell-
ing units

50

30

20

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9
					R6	R7	R8	R9
					R6			
						R7		
							R8	R9

24-25 Modification of Requirements for Public Housing

In all districts, as indicated, for low-rent public housing developments owned by the New York City Housing Authority and receiving cash subsidies, 50 percent of the accessory off-street parking spaces required under Section 24-23 (Requirements Where Group Parking Facilities are Provided) and Section 24-24 (Modification of Requirements for Small Zoning Lots) may be provided in open area, which may initially be used for other purposes, provided that such open area is, in the opinion of the Zoning Administrator, capable of being converted to use for off-street parking spaces when needed. The provisions of this Section shall, however, be subject to the restrictions set forth in Section 24-64 (Restrictions on Use of Residential Open Space for Parking).

R1 R2 R3 R4 R5 R6 R7 R8 R9

24-26 Waiver of Requirements for Five Spaces or Less

In the districts indicated, the requirements set forth in the following Sections shall not apply if five or less accessory off-street parking spaces would be required thereunder:

Section 24-23 (Requirements Where Group Parking Facilities Are Provided)

Section 24-24 (Modification of Requirements for Small Zoning Lots)

Section 24-25 (Modification of Requirements for Public Housing)

R6 R7 R8 R9

24-27 Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

In all districts, as indicated, the requirements set forth in the following Sections shall not apply to any building or zoning lot as to which the Department of Traffic has certified that there is no way to arrange the required spaces with access to the street to conform to the provisions of Section 24-63 (Location of Access to the Street)

Section 24-21 (General Provisions)

Section 24-22 (Requirements Where Individual Parking Facilities Are Provided)

Section 24-23 (Requirements Where Group Parking Facilities are Provided)

Section 24-24 (Modification of Requirements for Small Zoning Lots)

Section 24-25 (Modification of Requirements for Public Housing)

R1 R2 R3 R4 R5 R6 R7 R8 R9

24-28 Special Provisions for Zoning Lots Divided by District Boundaries

In all districts, as indicated, if a zoning lot is divided by a boundary between Residence Districts having different requirements for accessory off-street parking spaces, the requirements applicable to each portion of such zoning lot shall be multiplied by the percentage of the lot area of the zoning lot to which each such requirement applies; and the sum of the products obtained shall be the requirement applicable to such zoning lot. Such off-street parking spaces may be located anywhere on the zoning lot subject to all the other provisions of this Chapter.

R1 R2 R3 R4 R5 R6 R7 R8 R9

24-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED COMMUNITY FACILITY USES

24-31 General Provisions

In all districts, as indicated, accessory off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table at the end of this Section for all new development after the effective date of this resolution for the uses listed in the table which have at least as much floor area, lot area, legal capacity, or other unit of measurement used for such uses on a zoning lot as set forth for the appropriate district in the table. In addition, the provisions of Section 24-32 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) and other applicable requirements of this Chapter shall apply as a condition precedent to the use of such development.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table. For the purposes of this Section, a group of such uses constructed on a tract of land under single ownership or control shall be considered a single zoning lot.

After the effective date of this resolution, if the use of any building or other structure or zoning lot is enlarged, the same requirements set forth in the table shall apply to the enlarged portions of such building or other structure or zoning lot.

Required Off-Street Parking
Spaces for Community
Facility Uses

Type of use	Size of establishment, in square feet of floor area unless otherwise specified	Parking spaces required, per number of square feet of floor area unless otherwise specified	DISTRICTS								
			R1	R2	R3	R4	R5	R6	R7	R8	R9
Hospitals ^{1/}	Less than 10,000	None									
	10,000 or more	1 per 500	R1	R2	R3	R4	R5				
	Less than 10,000	None									
	10,000 or more	1 per 1,000						R6	R7		
	Less than 25,000	None									
	25,000 or more	1 per 2,000								R8	R9
Medical offices or group medical centers	Less than 3,000	None	R1	R2	R3	R4	R5				
	3,000 or more	1 per 500									
	Less than 6,000	None									
	6,000 or more	1 per 1,000						R6	R7		
	Less than 15,000	None									
	15,000 or more	1 per 1,500								R8	R9
Churches, clubs, community centers, or settlement houses; fraternal or philanthropic institutions, except institutions for children or the aged, nursing homes, or sanitariums; golf course club houses; health centers; libraries, museums, ^{2/} or non-commercial art galleries ^{2/} ; non-commercial recreation centers; or welfare centers	Less than 3,000	None	R1	R2	R3	R4	R5				
	3,000 or more	1 per 500									
	Less than 15,000	None									
	15,000 or more	1 per 1,000						R6	R7		
	Less than 50,000	None									
	50,000 or more	1 per 2,000								R8	R9
Electric or gas sub-stations, fire or police stations, telephone exchanges, or water or sewer pumping stations, when permitted by special permit	Less than 3,000	None	R1	R2	R3	R4	R5				
	3,000 or more	1 per 400									
	Less than 6,000	None									
	6,000 or more	1 per 600						R6	R7		
	Less than 12,000	None									
	12,000 or more	1 per 1,000								R8	R9

^{1/} Requirements on this table are in addition to area utilized for ambulance parking.

^{2/} Requirements on this table apply only to the floor area not used for storage.

Underlined words in text are defined in Section 12-10.

Required Off-Street Parking Spaces for Community Facility Uses (continued)			DISTRICTS								
			R1	R2	R3	R4	R5	R6	R7	R8	R9
			R1	R2	R3	R4	R5	R6	R7	R8	R9
Type of use	Size of establishment, in square feet of floor area unless otherwise specified	Parking spaces required, per number of square feet of floor area unless otherwise specified									
Institutions for children or the aged; monasteries or convents; nursing homes or sanitariums	Less than 10,000	None	R1	R2	R3	R4	R5				
	10,000 or more	1 per 1,000									
	Less than 25,000	None						R6	R7		
	25,000 or more	1 per 1,500									
	Less than 50,000	None								R8	R9
	50,000 or more	1 per 2,500									
Fraternity or sorority houses, including dormitories	Less than 5,000	None	R1	R2	R3	R4	R5				
	5,000 or more	1 per 4 beds									
	Less than 15,000	None						R6	R7		
	15,000 or more	1 per 8 beds									
	Less than 25,000	None								R8	R9
	25,000 or more	1 per 12 beds									
Colleges or universities											
(a) Classrooms, laboratories, student centers, or offices	Less than 3,000	None	R1	R2	R3	R4	R5				
	3,000 or more	1 per 500									
	Less than 15,000	None						R6	R7		
	15,000 or more	1 per 1,000									
	Less than 50,000	None								R8	R9
	50,000 or more	1 per 2,000									
Legal capacity:											
(b) Theatres, auditoriums, gymnasiums, or stadiums	Fewer than 300 persons	None	R1	R2	R3	R4	R5				
	300 persons or more	1 per 4 persons									
	Fewer than 500 persons	None						R6	R7		
	500 persons or more	1 per 8 persons									
	Fewer than 1,000 persons	None								R8	R9
	1,000 persons or more	1 per 12 persons									
Square feet of lot area used for selling purposes:											
Agricultural uses, including greenhouses, nurseries, or truck gardens	Less than 3,000	None	R1	R2	R3	R4	R5				
	3,000 or more	1 per 500									
	Less than 6,000	None						R6	R7		
	6,000 or more	1 per 1,000									
	Less than 25,000	None								R8	R9
	25,000 or more	1 per 2,500									
Square feet of lot area:											
Outdoor skating rinks	Less than 10,000	None	R1	R2	R3	R4	R5				
	10,000 or more	1 per 500									
	Less than 20,000	None						R6	R7		
	20,000 or more	1 per 1,000									
	Less than 40,000	None								R8	R9
	40,000 or more	1 per 2,000									
Number of courts:											
Outdoor tennis courts	Fewer than 5	None	R1	R2	R3	R4	R5				
	5 or more	1 per 2 courts									
	Fewer than 10	None						R6	R7		
	10 or more	1 per 2 courts									
	Fewer than 25	None								R8	R9
	25 or more	1 per 5 courts									

24-51 General Provisions, continued

Section 24-52 (Off-Site Spaces for Residences)

Section 24-53 (Off-Site Spaces for Permitted Community Facility Uses)

Section 24-54 (Joint Facilities)

Section 24-55 (Additional Regulations for Required Spaces When Provided Off Site)

[illegible]24-52 Off-Site Spaces for Residences

In all districts, as indicated, all permitted or required off-street parking spaces accessory to residences, may be provided on a zoning lot other than the same zoning lot as the residences to which such spaces are accessory, provided that in such instances all such spaces shall be not more than 600 feet from the nearest boundary of the zoning lot on which such residences are located.

R1	R2	R3	R4	R5	R6	R7	R8	R9
----	----	----	----	----	----	----	----	----

24-53 Off-Site Spaces for Permitted Community Facility Uses

In all districts, as indicated, all permitted or required off-street parking spaces accessory to permitted community facility uses may be provided on a zoning lot other than the same zoning lot as such uses, if the Zoning Administrator finds that the following conditions are met:

- (a) That there is no way to arrange such spaces on the same zoning lot as such uses, and
- (b) That such spaces can be located not more than 200 feet from the nearest boundary of the zoning lot containing such uses and, if possible, are located on an adjoining zoning lot or a zoning lot across the street from such uses, and
- (c) That such spaces are so located as to draw a minimum of vehicular traffic to and through streets having predominantly residential frontages.

The Zoning Administrator may impose appropriate additional requirements to minimize adverse effects on the character of surrounding areas.

R1	R2	R3	R4	R5	R6	R7	R8	R9
----	----	----	----	----	----	----	----	----

24-54 Joint Facilities

In all districts, as indicated, all required accessory off-street parking spaces may be provided in facilities designed to serve jointly two or more buildings or zoning lots, provided that:

- (a) The number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of dwelling units or the combined floor area, lot area, legal capacity, or other such unit of measurement in such buildings or zoning lots:

Section 24-21 (General Provisions)

Section 24-22 (Requirements Where Individual Parking Facilities Are Provided)

Section 24-23 (Requirements Where Group Parking Facilities
Are Provided)

Section 24-24 (Modification of Requirements for Small Zoning Lots)

Section 24-25 (Modification of Requirements for Public Housing)

Section 24-31 (General Provisions), and

- (b) The adequacy and layout of such joint facilities are approved by the Zoning Administrator.

R1	R2	R3	R4	R5	R6	R7	R8	R9
----	----	----	----	----	----	----	----	----

24-55 Additional Regulations for Required Spaces When Provided Off Site

In all districts, as indicated, when required accessory off-street parking spaces are provided off the site in accordance with the provisions of Section 24-52 (Off-Site Spaces for Residences), Section 24-53 (Off-Site Spaces for Permitted Community Facility Uses), or Section 24-54 (Joint Facilities), the following additional regulations shall apply:

24-551 Ownership

In all districts, as indicated, such spaces shall be in the same ownership as the residences or permitted community facility uses to which they are accessory, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such uses.

24-552 Conformity with district regulations

In all districts, as indicated, such spaces shall conform to all applicable regulations of the district in which they are located.

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
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R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
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R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
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R1	R2	R3	R4	R5	R6	R7	R8	R9
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R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
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R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
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R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9
R1	R2	R3	R4	R5	R6	R7	R8	R9

24-60 ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES

24-61 General Provisions

In all districts, as indicated, all permitted or required accessory off-street parking spaces shall conform to the provisions of the following Sections:

Section 24-62 (Size of Spaces)

Section 24-63 (Location of Access to the Street)

Section 24-64 (Restrictions on Use of Residential Open Space for Parking)

Section 24-65 (Surfacing)

Section 24-66 (Screening)

Section 24-67 (Location of Access Near Schools, Parks, or Play-grounds)

24-62 Size of Spaces

In all districts, as indicated, for all accessory off-street parking spaces, open or enclosed, each 300 square feet of unobstructed net standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet may be considered as one space if the Zoning Administrator certifies that the layout and design of the parking area are adequate to permit convenient access and maneuvering. In any event, the dimensions of any parking stall shall be at least eighteen feet long and eight feet six inches wide.

24-63 Location of Access to the Street

In all districts, as indicated, the entrances and exits for all permitted or required accessory group parking facilities with 10 or more spaces shall be located not less than 50 feet from the intersection of any two street lines. However, access located within 50 feet of such intersection may be provided, if the Department of Traffic certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The requirements for accessory off-street parking spaces set forth in the following Sections shall not apply to any building or zoning lot as to which the Department of Traffic has certified that there is no way to arrange the required spaces in conformity with the provisions of this Section:

24-63 Location of Access to the Street, continued

Section 24-22 (Requirements Where Individual Parking Facilities Are Provided)

Section 24-23 (Requirements Where Group Parking Facilities Are Provided)

Section 24-24 (Modification of Requirements for Small Zoning Lots)

Section 24-31 (General Provisions)

DISTRICTS								
R1	R2	R3	R4	R5	R6	R7	R8	R9

24-64 Restrictions on Use of Residential Open Space for Parking

In the districts indicated, in accordance with the provisions of Section 23-22 (Permitted Obstructions in Open Space), not more than 50 percent of the open space on any zoning lot developed with a building containing residences or a community facility use may be used for driveways, private streets, open accessory off-street parking spaces, or open accessory off-street loading berths.

R1 R2 R3 R4 R5 R6 R7 R8

24-65 Surfacing

In all districts, as indicated, all open off-street parking spaces shall be surfaced with asphaltic or portland cement concrete, or other hard-surfaced dustless material, at least four inches thick.

R1 R2 R3 R4 R5 R6 R7 R8 R9

24-66 Screening

In all districts, as indicated, all open off-street parking areas or groups of individual garages with 10 spaces or more, which are located either at natural grade or on a roof, shall be screened from all adjoining zoning lots, including such zoning lots situated across a street, by either:

R1 R2 R3 R4 R5 R6 R7 R8 R9

(a) A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or

(b) An opaque wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof).

In addition, such screening:

(a) Shall be maintained in good condition at all times,

(b) May be interrupted by normal entrances or exits, and

(c) Shall have no signs hung or attached thereto other than those permitted in Section 22-323 (Signs for parking areas).

24-67 Location of Access Near Schools, Parks, or Playgrounds

In all districts, as indicated, vehicular entrances or exits for all permitted or required accessory off-street parking areas with more than five spaces shall not be located within 300 feet of any exit or entrance for a school (except trade schools for adults), any playground accessory thereto, or any public park or public playground of one-half acre or more, provided that the provisions of this Section shall not apply:

R1 R2 R3 R4 R5 R6 R7 R8 R9

(a) To a zoning lot which has no access to street frontages unaffected by this restriction, or

(b) To a zoning lot which has access to street frontages unaffected by this restriction, if the Zoning Administrator determines that there is no practical possibility of designing the off-street parking area without locating entrances or exits within the restricted areas.

24-70

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in residential areas within the City, and thus to promote and protect the public health, safety, convenience, prosperity, and other aspects of the general welfare.

In all districts, as indicated, accessory off-street loading berths, open or enclosed, may be provided for residences and for permitted community facility uses, under rules and regulations promulgated by the Zoning Administrator, and subject to the provisions set forth in Section 24-74 (Location of Berths), Section 24-75 (Surfacing) Section 24-76 (Screening), and Section 24-77 (Location of Access Near Schools, Parks, or Playgrounds).

[illegible]

In all districts, as indicated, for all new hospitals constructed after the effective date of this resolution with at least 10,000 square feet but less than 300,000 square feet of floor area, at least one off-street loading berth, open or enclosed, shall be provided. For all new hospitals with 300,000 square feet or more of floor area, one berth shall be provided for the first 300,000 square feet and one additional berth shall be provided for each additional 300,000 square feet. After the effective date of this resolution, if any hospital is enlarged, the same requirements shall apply to the enlarged portions of such hospital.

R1	R2	R3	R4	R5	R6	R7	R8	R9
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In all districts, as indicated, for all new hospitals, each required off-street loading berth, open or enclosed, shall be at least 33 feet long, 12 feet wide, and 14 feet high. The dimensions of off-street berths shall not include driveways or entrances to or exits from such off-street berths.

R1	R2	R3	R4	R5	R6	R7	R8	R9
----	----	----	----	----	----	----	----	----

In all districts, as indicated, no permitted or required off-street loading berth, and no entrance or exit thereto, shall be located within 50 feet of the intersection of any two street lines, except when the Traffic Department certifies that a location closer to the intersection of any two street lines is not hazardous to traffic safety and not likely to create traffic congestion. The requirements for accessory off-street loading berths set forth in Section 24-72 (Required Accessory Off-Street Loading Berths for Hospitals) and Section 24-73 (Size of Berths) shall not apply to any building as to which the Department of Traffic has certified that there is no way to arrange such berths in conformity with the provisions of this Section.

R1	R2	R3	R4	R5	R6	R7	R8	R9
----	----	----	----	----	----	----	----	----

Surfacing

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

R1	R2	R3	R4	R5	R6	R7	R8	R9
----	----	----	----	----	----	----	----	----

Screening

In all districts, as indicated, all permitted or required open off-street loading berths shall be screened from all adjoining zoning lots, including such zoning lots situated across a street, by either:

R1	R2	R3	R4	R5	R6	R7	R8	R9
----	----	----	----	----	----	----	----	----

Underlined words in text are defined in Section 12-10.

24-76 Screening, continued

- (a) A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or
- (b) An opaque wall or harrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade.

In addition, such screening:

- (a) Shall be maintained in good condition at all times
- (b) May be interrupted by normal entrances and exits, and
- (c) Shall have no signs hung or attached thereto other than those permitted in Section 22-32 (Permitted Accessory Signs).

24-77 Location of Access Near Schools, Parks, or Playgrounds

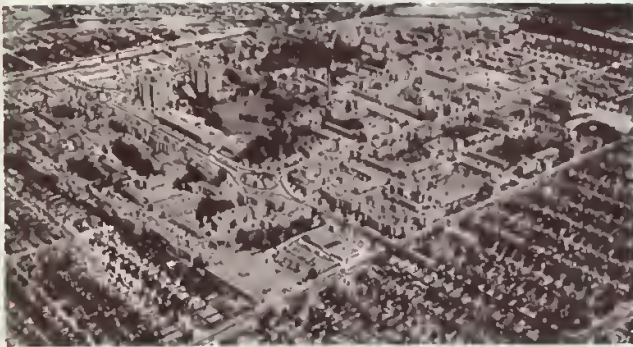
In all districts, as indicated, vehicular entrances or exits for all permitted or required accessory off-street loading berths shall not be located within 300 feet of any exit or entrance for a school (except trade schools for adults), any playground accessory thereto, or any public park or public playground of one-half acre or more, provided that the provisions of this Section shall not apply:

- (a) To a zoning lot which has no access to street frontages unaffected by this restriction, or
- (b) To a zoning lot which has access to street frontages unaffected by this restriction, if the Zoning Administrator determines that there is no practical possibility of designing the off-street loading berths without locating entrances or exits within the restricted areas.

[illegible]

Explanation of Regulation of Large-Scale Residential Developments

Large-scale developments have special significance in the City's residential areas, in terms of both their impact on adjacent areas and the high proportion of recently constructed dwelling units which are in large-scale developments. A single large-scale development may alter the social and economic life of a community, add a new dimension to its physical character, and radically change the flow of traffic as well as the need for such community facilities as schools and parks. Since 1947, 62,000 dwelling units have been constructed in residential projects of 200,000 square feet lot area or more. These projects comprise 38 percent of the total privately financed dwelling units constructed in the City in this period. Large-scale developments constitute the overwhelming proportion of redevelopment projects as well.



Example of good large-scale residential development, including well-located shopping centers. Fresh Meadows, Queens.

In large-scale projects there is an opportunity for freer and better design and better standards of open space, which result in qualitative improvement in a neighborhood. In spite of the fact that benefits implicit in large-scale developments should be encouraged, many zoning ordinances either place such projects in a virtual straight-jacket as a result of controls inappropriate for large scale projects, or are lacking in controls even where needed. For example, traditional zoning controls over the spacing of buildings, such as yard regulations, while appropriate and necessary for developments of single buildings upon single lots, are far too restrictive and inexact for use in regulating large-scale developments. One of the great benefits of large-scale developments is that buildings can be spaced in relation to their impact upon each other, rather than upon their relation to a lot line. A very real zoning problem is to permit maximum flexibility in the placement of buildings as well as in taking advantage of orientation, topography, and other factors in site planning, while preventing buildings on the interior of large-scale developments from robbing other buildings as well as the surrounding open space of adequate light and air.

Zoning regulations designed to guide large-scale projects should have the following four objectives:

- 1) To permit maximum flexibility in site planning.
- 2) To insure adequate protection for both the residents of large-scale developments and those of adjacent areas.
- 3) To provide regulations applicable to both large- and small-scale projects.
- 4) To eliminate as much administrative review as possible.

Much study was devoted to designing zoning controls which meet these objectives. The flexibility permitted in site planning while maintaining adequate standards for both residents of large-scale developments and those of adjacent areas will be discussed below. The general regulations -- especially the bulk regulations -- are designed to apply to both large- and small-scale projects so that the large-scale residential regulations deal only with those aspects of large-scale developments requiring special treatment.

As a basic principle in the preparation of the proposed resolution, most of the large-scale regulations, as well as other regulations, have been designed to be "self-administering" -- i.e., they do not require special administrative review. The two most important regulations proposed are those controlling 1) the minimum spacing between buildings and 2) the needed convenience shopping facilities. Both regulations are clearly stated in the basic text of the resolution and require a minimum of either administrative review or lengthy amendment procedures in order to accommodate large-scale developments. Regulations which are "self-administering" permit a builder who complies with the regulations to build and occupy his property as a matter of right. Such regulations not only decrease the burden of review and enforcement activity but also tend to substitute rule by law for rule by men, thus reducing the opportunity for arbitrary administrative action or abuse.

The primary regulations proposed for large-scale residential projects, as outlined in the following sections, deal with bulk controls, convenience shopping facilities, and community facilities.

Bulk Controls

One of the more significant proposals in the proposed resolution is the minimum building spacing formula described earlier in the explanation of residential bulk controls, which achieves all of the four objectives outlined previously. Maximum flexibility is permitted in site planning while buildings on the interior of large-scale projects are prevented from robbing other buildings as well as the surrounding open space of adequate light and air. This formula also has the advantage of being equally applicable to small as well as large-scale developments. Therefore, this essential aspect of large-scale developments does not require special administrative review. As long as a developer complies with the proposed regulations, he may build and occupy as a matter of right.



Example of good spacing in large-scale development such as would be encouraged by minimum spacing formula. Queensview, Queens.

Since the degree of impact of one building upon another is primarily related to the building's height, length, and distance from the other building, the required spacing between two or more buildings on a zoning lot is dependent on their height and length. As explained earlier, the proposed spacing formula requires that the distance between two buildings increase as the combined height and length of their opposing walls increase. By adjusting the length or the height of one or more buildings in such a relationship, a developer can either place his buildings fairly close to one another or separate them by a considerable distance.

The great advantage of the proposed minimum spacing control is that it maximizes a builder's design choices while preventing any one building from being placed in a position where it could seriously affect the amount of light and air having access to another building. Here again, as in the case of the density controls and the Open Space Ratio control described earlier, a direct control over the significant aspects of development can provide a great degree of freedom to builders and architects.

The minimum spacing formula, plus the other proposed bulk controls, is appropriate for both large- and small-scale projects. However, when large-scale projects include two or more lots separated by public streets or involve the closing of streets, the following special treatment is proposed:

- 1) In order to facilitate better site planning when a large-scale residential development includes two or more zoning lots separated by public streets, it is also proposed that the City Planning Commission be permitted to authorize that bulk controls such as the front yard, height, and setback regulations which are too restrictive for large-scale developments be waived subject to the City Planning Commission's determination that such a waiver will achieve better site planning and not be detrimental to surrounding lots.
- 2) Special treatment is also required in order to control a corollary problem -- the intensity of land use of large-scale developments involving the closing of streets. It is proposed that only one-half of the area of such streets be counted as lot area for purposes of determining the Floor Area Ratio, the Open Space Ratio, and the permitted number of

dwelling units. To permit more than half of the area of a closed street to be included in the above calculations would result in an intensity of development out of character with that otherwise permitted.

Permitted Convenience Shopping Facilities (Section 25-00)

In order to permit a large scale development to be served by all necessary facilities and to avoid lengthy and unwarranted amendment procedures, a limited amount of controlled commercial development is permitted in large-scale developments (and considered as an accessory use), if the City Planning Commission finds that such facilities are needed and are properly located. The uses so permitted are limited to those included in Use Group 6A, and consist of those uses providing goods and services that are required on a more or less daily basis. The amount of space permitted to be devoted to such use -- two percent of the total floor area in the development -- represents a standard derived by determining the square feet of convenience uses required per 1,000 persons, and the average amount of residential floor area utilized for 1,000 persons. To further limit the use of the shopping facilities to residents of large-scale developments, the size of each commercial establishment is limited to 5,000 square feet.

Community Facilities (Section 25-20)

To prevent large-scale developments from overloading community facilities, it is proposed that all such proposed developments be submitted to the City Planning Commission for official review. If the Commission determines that no new facilities will be required in a neighborhood as a result of the development, approval is granted. However, if on the basis of reports from other City Departments, the Commission determines that additional facilities are required, it may recommend that a site for one or more such facilities be reserved within the proposed development. If such a recommendation is made, the issuance of a building permit for construction of the development may be withheld for a period of three months. During that time the City may initiate action to reserve a site. However, the building permit cannot be withheld for this reason for longer than three months. Basically, this control assures the City of ample notice of any proposed major changes in residential areas resulting from large developments.

Chapter 5 Special Regulations Applying to Large-Scale Residential Developments

25-00

DEFINITIONS

Excerpt from definition of accessory use

An "accessory use" includes:

(g) In a large-scale residential development, an area (or areas) totaling not more than two percent of the total floor area, which is used for commercial uses listed in Use Group 6A, with no single commercial establishment occupying more than 5,000 square feet of floor area, and provided that the City Planning Commission makes the following special findings:

- (1) That the commercial uses will be used primarily by the residents of the development, and
- (2) That the commercial uses will make available more convenient shopping facilities for the residents of the development, and that they are so located as not to interfere with residential or recreational areas in the development, and
- (3) That the commercial uses are so located that they will not create traffic congestion or other objectionable influences affecting residential zoning lots outside the development.

Block

A "block" is a tract of land bounded by streets, public parks, railroad rights-of-way, airport boundaries, bulkhead lines (or shore lines, where no bulkhead lines have been established), or corporate boundary lines of New York City.

Large-scale residential development

A "large-scale residential development" includes any tract of land, containing one or more zoning lots, which is developed for residential purposes under single ownership or control, and which has either:

- (a) An area of at least 20 acres, or
- (b) An area of at least three acres, and a total of at least 500 dwelling units.

Street

A "street" is:

- (a) A way shown on the City Map, or
- (b) A way designed or intended for general public use to provide a principal means of approach for vehicles or pedestrians from a way shown on the City Map to a building or other structure, and which performs the functions usually associated with a way shown on the City Map. A driveway which serves only to give vehicular access to an accessory parking or loading facility, or to allow vehicles to take on or discharge passengers at the entrance to a building, shall not be considered a street.

Zoning lot

A "zoning lot" is a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot may be subsequently subdivided into two or more zoning lots subject to the provisions of this resolution. A zoning lot therefore may or may not coincide with a lot as shown on the official tax maps of the City of New York, or on any recorded subdivision plat or deed.

25-10

GENERAL PROVISIONS

In this resolution, large-scale residential developments are in general governed by the same use and bulk regulations which apply to smaller buildings or developments. However, a few special provisions, set forth in this Chapter, deal with problems which arise only in connection with large-scale residential developments and apply only to such developments.

In addition to the provisions of this Chapter, large-scale residential developments in Residence Districts may include as an accessory use, in addition to the regularly permitted uses, a limited area devoted to specified commercial uses.

25-20

PROVISION OF PUBLIC FACILITIES IN CONNECTION WITH LARGE-SCALE RESIDENTIAL DEVELOPMENTS

The following regulations apply to all large-scale residential developments, as a condition precedent to the issuance of a building permit.

25-21 Report by Planning Commission

Within one month after a request from the Zoning Administrator, the City Planning Commission shall make a report, based upon information from the Board of Education and other appropriate City Departments, on the anticipated effect of the proposed development on the existing capacity of schools or other public facilities serving the area in which the proposed development is to be located.

25-22 If No Additional Public Facilities Needed

If the Commission reports that the proposed development will not require any significant addition to the public facilities serving the neighborhood, then the requirements of this Section shall be considered to be satisfied.

25-23 If Additional Public Facilities Needed

If the Commission reports that the proposed large-scale residential development can be expected to create a need for one or more new public facilities in the neighborhood, the Commission may, in its discretion, recommend that a site for one or more such facilities should be reserved within the site of the proposed development. If the Commission does so recommend, the issuance of a building permit shall be withheld for a period not to exceed three months. In such a case, the requirements of this Section shall be considered to be satisfied:

(a) If, within a period of less than three months, the developer and the appropriate City officials have agreed on the reservation of such a site or sites, or official proceedings have been initiated to authorize acquisition of such a site or sites, or if necessary to amend the capital budget to include the project as a prerequisite to site acquisition, or

(b) In any event, at the expiration of the above-mentioned period of three months.

25-30

FLOOR AREA RATIO, FRONT SETBACK, AND FRONT YARD REGULATIONS IN LARGE-SCALE RESIDENTIAL DEVELOPMENTS WITH INTERIOR PUBLIC STREETS

Where a large-scale residential development includes two or more zoning lots separated by public streets, the City Planning Commission may authorize the permitted floor area and required open space for all zoning lots within the development to be distributed without regard for zoning lot lines, and may authorize the location of buildings without regard for the front yard and height and setback regulations which would otherwise apply along portions of streets wholly within the development, provided that in each case the Commission shall make the following special findings:

25-30

FLOOR AREA RATIO, FRONT SETBACK, AND FRONT YARD REGULATIONS IN LARGE-SCALE RESIDENTIAL DEVELOPMENTS WITH INTERIOR PUBLIC STREETS, continued

- (a) That the waiver of such requirements will permit better site planning and will thus benefit both the residents of the development and the City as a whole.
- (b) That the waiver of such requirements will not in any way reduce the requirements of this resolution for the required minimum distance between buildings on a single zoning lot, or for off-street parking spaces.
- (c) That the waiver of such requirements will not unduly increase the bulk of buildings in any block, to the detriment of the occupants of the block or nearby blocks.
- (d) That the waiver of such requirements will not adversely affect any other zoning lots outside the development, by restricting access to light and air or by creating traffic congestion.

25-40

PERMITTED INCREASE IN BULK AND DENSITY FROM STREET CLOSINGS

If one or more streets are closed in connection with a large-scale residential development, not more than one-half the area of such closed street or streets may be included in the total lot area for purposes of determining the maximum permitted floor area ratio, the minimum required open space ratio, and the maximum number of dwelling units (or rooming units) permitted by the minimum required lot area per dwelling unit regulations.

ARTICLE III

COMMERCIAL DISTRICT REGULATIONS

Chapter I Statement of Legislative Intent

31-00

GENERAL PURPOSES OF COMMERCIAL DISTRICTS

The Commercial Districts established in this resolution are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

- (a) To provide sufficient space, in appropriate locations in proximity to residential areas, for local retail development catering to the regular shopping needs of the occupants of nearby residences, with due allowance for the need for a choice of sites.
- (b) To provide appropriate space, and in particular sufficient depth from a street, to satisfy the needs of modern local retail development, including the need for off-street parking spaces in areas to which a large proportion of shoppers come by automobile, and to encourage the natural tendency of local retail development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants.
- (c) To protect both local retail development and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
- (d) To protect both local retail development and nearby residences against congestion, particularly in areas where the established pattern is predominantly residential but includes local retail uses on the lower floors, by regulating the intensity of local retail development, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
- (e) To provide sufficient and appropriate space, and in particular sufficient depth from the street, to meet the needs of the City's expected future economy for modern commercial floor space in central, major, or secondary commercial centers, including the need for off-street parking space in areas where a large proportion of customers come by automobile, with due allowance for the need for a choice of sites, and to encourage the natural tendency of commercial development to concentrate in continuous retail frontage, to the mutual advantage of both consumers and merchants.
- (f) To protect commercial development in central, major, or secondary commercial centers, so far as is possible and appropriate in each area, against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences.
- (g) To protect commercial development in central, major, or secondary commercial centers against congestion, as far as possible, by limiting the bulk of buildings in relation to the land around them and to one another, by restricting those types of establishments which generate heavy traffic, and by providing for off-street parking and loading facilities.
- (h) To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, with due allowance for the need for a choice of sites.
- (j) To provide freedom of architectural design, in order to encourage the development of more attractive and economic building forms, within proper standards.
- (k) To promote the most desirable use of land in accordance with a well-considered plan, to promote stability of commercial development, to strengthen the economic base of the City, to protect the character and established pattern of desirable development in each area, to conserve the value of land and buildings, and to protect the City's tax revenues.

31-10 PURPOSES OF SPECIFIC COMMERCIAL DISTRICTS

31-11 C1 Local Retail Districts

These districts are designed to provide for local shopping and include a wide range of retail stores and personal service establishments which cater to frequently recurring needs. Since these establishments are required in convenient locations near all residential areas, and since they are relatively unobjectionable to nearby residences, these districts are widely mapped. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage and by prohibiting local service and manufacturing establishments which tend to break such continuity.

31-12 C2 Local Service Districts

These districts are designed to provide for a wide range of essential local services not involving regular local shopping. Since these establishments are less frequently visited by customers, they tend to break the continuity of prime retail frontage and, therefore, hamper the development of convenient shopping. The permitted services create relatively few objectionable influences for nearby residential areas.

31-13 C3 Waterfront Recreation District

This district is designed to provide for the growing recreational activities of pleasure boating and fishing by permitting rental, servicing, and storage of boats in appropriate waterfront areas, normally adjacent to residential development.

31-14 C4 General Commercial Districts

These districts comprise the City's major and secondary shopping centers, which provide for occasional family shopping needs and for essential services to business establishments over a wide area, and which have a substantial number of large stores generating considerable traffic. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging continuous retail frontage and by prohibiting service and manufacturing establishments which tend to break up such continuity.

31-15 C5 Restricted Central Commercial Districts

These districts are designed to provide for office buildings and the great variety of large retail stores and related activities which occupy the prime retail frontage in the central business district, and which serve the entire metropolitan region. The district regulations also permit a few high-value custom manufacturing establishments which are generally associated with the predominant retail activities, and which depend on personal contacts with persons living all over the region. The district regulations are also designed to provide for continuous retail frontage.

31-16 C6 General Central Commercial Districts

These districts are designed to provide for the wide range of retail, office, amusement, service, custom manufacturing, and related uses normally found in the central business district, but to exclude non-retail uses which generate a large volume of trucking.

31-17 C7 Commercial Amusement District

This district is designed to permit large open commercial amusement parks and is mapped in only a few areas.

31-18 C8 General Service Districts

These districts are designed to furnish necessary services for a wider area than is served by the Local Service Districts. Since these service establishments often involve objectionable influences, such as noise from heavy service operations and large volumes of truck traffic, they are incompatible with both residential and retail uses. New residential development is excluded from these districts.

Explanation of Commercial Use Regulations

The extraordinary range of types of commercial activity in the City of New York is the greatest of any city in the United States and perhaps in the world. This variation occurs between the broad categories of commercial uses as well as within these categories. The broad categories of commercial activities range from retail centers, to commercial amusement areas such as Coney Island, to general service areas involving such heavy operations as automobile repair, large dry cleaning establishments, and laundries. Within the retail category the range is especially broad -- extending from small groups of grocery and related stores serving a neighborhood, to the major outlying shopping centers such as Flushing, Jamaica, and Fordham Road serving large areas of the City, to the great concentrations of retail stores in the Central Business District serving the entire City and the region.

To impose on this diverse commercial pattern an oversimplified set of commercial districts would be very unwise. One of the most serious defects of the present resolution is the fact that the present districts are inappropriate properly to guide the development of New York's commercial areas. Often this means the lumping together of incompatible uses which should be segregated from one another, as well as the failure in many instances adequately to protect adjacent residential areas from excessive traffic and other nuisances. In addition, an inadequate system of use districts frequently necessitates recourse to special administrative action in order to meet the problems continually arising.

The Commercial Use Groups

In order to determine the number and types of commercial districts needed in the City, all anticipated uses of land in New York City have been classified into groups on the basis of an analysis of their similarity of function as well as compatibility with one another and with adjacent districts, as described in the explanation preceding the proposed residential use regulations (Chapter 2 of Article II of the proposed resolution). These groups of uses -- called Use Groups -- constitute a simple method of establishing what types of uses are permitted in each district and constitute the basis of the proposed regulations of the use of land. The Use Group device is also especially adaptable in achieving the unique combination of uses required for each of the proposed Commercial Districts.

The development of the commercial Use Groups had its origin in a detailed field study of the City's commercial land use pattern in relation to the functions of the various types of commercial areas. The use districts which evolved from this study and the Use Groups comprising them primarily reflect the need for separating certain types of economic functions, first, on the basis of their relationship to the areas they serve and, secondly, on the basis of their compatibility with one another. The preliminary Use Groups were field tested block by block in all five boroughs in the process of preparing new zoning maps. A number of revisions and refinements were made after detailed consideration of the relationship of the proposed districts to existing conditions and problems in various parts of the City.

All commercial uses permitted in the proposed Commercial Districts have been classified into twelve Use Groups -- Groups 5 to 16, inclusive. Each Use Group, with its general description and the list of uses comprising it, is set forth in Section 32-10 of the proposed resolution and is accompanied by a columnar chart showing the districts in which it is permitted. There is additional discussion of the commercial Use Groups later in this section as a part of the description of the various Commercial Districts.

The structure of the commercial Use Groups and, in turn, the proposed Commercial Districts, are based on

three primary concepts. These are: 1) the relative function of the various types of commercial districts, including their relative service areas; 2) the compatibility of the commercial uses with one another; and 3) their compatibility with the uses typically located in adjacent districts. These concepts are discussed in the following explanation of the proposed Commercial Districts.

Proposed Commercial Districts

Eight new Commercial Districts -- C1 to C8 -- are proposed. These districts can be classified into five primary types:

- 1) Two districts designed to service local area needs -- C1 and C2.
- 2) A district designed for the primary and secondary outlying shopping centers serving extensive service areas -- C4.
- 3) Two districts designed for the Central Business Districts and catering to the retail and commercial needs of the entire City and metropolitan region -- C5 and C6.
- 4) A district designed to accommodate extensive repair and service activities -- C8.
- 5) Two districts designed for single specialized purposes as described below -- C3 and C7.

The proposed Commercial Districts, as well as the considerations affecting the designation of these districts in various parts of the City, are described below.

C1 (Local Retail) Districts

C1 Districts permit uses listed in Use Group 6, and are designed to provide for the local shopping facilities required regularly by nearby residents. These facilities include a large number of retail and personal service uses, which in the aggregate are capable of satisfying a wide range of needs. In catering to similar shopping habits, such uses contribute to a mutual interchange of customers. Experience with shopping centers has demonstrated that stores which attract customers who are in turn prospects for adjacent retail establishments are highly beneficial to the entire commercial concentration or center.



Typical new strip commercial development with uses characteristic of a C1 District.

Because these districts are closely related to the residential areas they serve, particularly in medium- and high-density areas, it is important to limit the intensity of commercial development to levels which are consistent with the adjoining residential areas. Department stores and other large establishments are

therefore not permitted, because they generate excessive pedestrian and vehicular traffic originating outside the immediate residential neighborhood. The supplementary use regulations further limit commercial uses in the C1 Districts to two floors and do not permit them above the ground floor in buildings partly occupied by residential uses.

C2 (Local Service) Districts

C2 Districts permit uses listed in Use Groups 6 to 9, inclusive. Like the C1 Districts, they are primarily designed to serve local residential areas. However, the additional uses permitted in this district, such as upholstery and contractors' shops, are not the type which are compatible with good local retail shopping development. Since such service uses draw customers infrequently and only for special purposes, they produce "dead spots" in retail shopping frontages. They do provide essential services, however, and are not particularly obnoxious to adjacent residential areas.

The C2 District has also frequently been designated in areas adjacent to major and secondary retail shopping centers in order to provide needed frontage for such services as clothing and costume rental establishments, as well as such establishments as blueprinting shops serving business customers mainly concentrated in the larger centers.

As in C1 Districts, large retail establishments, like department stores, are not permitted. The commercial uses which are permitted are limited to two floors and may not locate above the ground floor in buildings partly occupied by dwelling units.

C3 (Waterfront Recreation) Districts

C3 Districts permit uses listed in Use Group 14 and are designed for the express purpose of protecting and encouraging recreational boating activities in waterfront areas properly located for this purpose. Since this is the sole purpose of the district, permitted commercial uses, with the exception of restaurants, are limited to those which provide necessary services for this type of activity and do not adversely affect adjacent residential areas.



Boat docking and servicing facilities at City Island, Bronx.

C4 (General Commercial) Districts

Use Groups 6, 8, 9, 10, and 12 are permitted in C4 Districts, which are designed for major and secondary centers outside the Central Business Districts of Manhattan and downtown Brooklyn. The largest retail establishments, including department stores, variety, furniture, appliance, and carpet and rug stores are permitted in this district. All these establishments depend on relatively large service areas containing large numbers of potential customers. The C4 District is therefore designed for intensive commercial activity. Night clubs, dance halls, indoor skating rinks, arenas, and other entertainment establishments are also permitted, since the level of noise and traffic characteristic of these uses is consistent with the

general level of activity. Some of the service uses permitted in C2 Districts are also permitted in C4, but in order to prevent interruption of retail frontage, those which can function elsewhere are not permitted on the ground floor street frontage.

C5 (Restricted Central Commercial) Districts

C5 Districts permit uses listed in Use Groups 1, 3, 10, and 11, and are designed to accommodate central office, retail, and wholesale activities of city-wide, regional, and national significance. This district has been designated on the zoning maps exclusively in midtown and lower Manhattan and in downtown Brooklyn. In these areas are located a large share of the City's total office space; the largest retail stores with the widest variety of retail shopping opportunities; wholesale offices and showrooms serving regional and national markets; a few types of light custom manufacturing uses; and many services essential to the business establishments and the large daytime populations of these areas as well as to the residents of the entire metropolitan area.

C5 Districts are designed to accommodate all these principal activities and to create conditions favorable to their proper functioning. It is for this reason that many of the service uses permitted in C2 Districts, primarily amusements and services to local residents, are not permitted here, since they would not be compatible with the principal functions of C5 Districts. Other uses which are essential in the district, such as wholesale establishments, custom manufacturing, and services such as printing, blueprinting, shoe and hat repair shops, and dry cleaners, are permitted only if they locate above or below the ground, or if on the ground floor, not closer than 50 feet to the front wall of the building. This regulation is designed to protect high-value retail frontage from damaging interruption by uses which do not contribute to the interchange of customers. Because of the distinctive character of C5 Districts, signs are restricted to a smaller size than that permitted in C6 (General Central Commercial) Districts described below, and no illuminated signs are permitted.

C6 (General Central Commercial) Districts

Use Groups 6 to 12, inclusive, are permitted in C6 Districts. They are designed to provide for all the varied and specialized commercial activities requiring a central location. Many of these activities are accommodated in C5 (Restricted Central Commercial) Districts as well, but a number of additional service and entertainment uses are provided for in the General Central Commercial Districts. These include all the amusement, service, and repair uses permitted in C2 (Local Service) Districts and the large entertainment uses permitted in C4 (General Commercial) Districts.

Retail shopping is an important but not usually a major function in C6 Districts. Throughout most of the central commercial areas where this district is zoned, the uses involving intensive employment on the upper floors are dominant and the ground floor uses provide services for these businesses and for these employees. For this reason, the provisions of the C4 and C5 Districts restricting the use of ground floor street frontage would not be reasonable or consistent with the principal functions of the C6 Districts.

C7 (Commercial Amusement) Districts

C7 Districts provide locations for large commercial amusement parks such as those in Coney Island. A special district is needed for these uses, because the noise and traffic generated would be very objectionable in all other Commercial Districts.

C8 (General Service) Districts

All commercial Use Groups except Use Group 15 are permitted in C8 Districts, which are designed primarily to accommodate automotive and other service establishments which by the nature of their operations tend to be objectionable to adjacent residential areas. However, such uses provide essential services

to residents and business establishments and are needed in proximity to the areas they serve. Their service areas on the average are roughly comparable to those of small secondary centers.

Among the permitted uses typically locating in these districts are: automobile dealers, repair garages, gasoline service stations, auto laundries, contractors' shops with storage of materials and equipment, small welding and machine shops, and minor open amusement uses such as golf driving ranges, miniature golf, and small kiddie parks. From the standpoint of adjacent residential areas, these uses are frequently more objectionable than typical light manufacturing establishments. However, they provide services which are needed in areas where manufacturing uses are neither needed nor appropriate, and for this reason they cannot be restricted to Manufacturing Districts. By permitting them in a district designed especially for them, it has been possible to designate limited areas in which they may locate most appropriately and where manufacturing establishments should not be allowed to usurp the space they need.

C8 Districts are typically located along major traffic arteries where concentrations of automotive uses have developed, and also at the edges of large secondary and major centers, where they can conveniently serve both residents and business establishments.



Uses typically found in proposed C8 District. Residences obviously do not combine well with these uses. Bronx.

The objectionable features typically associated with C8 Districts will be controlled to some extent by application of the performance standards for M1 Districts, as set forth in Section 42-20 of the proposed resolution, to all uses of a semi-industrial nature in Use Groups 11 and 16 which involve production, processing, or repairs (See Supplementary Use Regulations, Section 32-43). Notwithstanding these controls, the activities permitted in these districts necessarily create an environment unfavorable to residential uses, which are therefore excluded.

Uses Permitted by Special Permit (Section 32-30)

A number of uses not permitted in Commercial Districts by right, are permitted by special permit if applicable standards controlling the issuance of permits are met. The types of uses subject to these regulations are comparatively few in number and, with the exception of gasoline service stations and parking lots and garages, the number of establishments of each type will also be small. The common characteristic differentiating them from other uses is the fact that they may or may not be appropriate in a particular

district depending on conditions in the surrounding areas and upon their situation, design, site layout, and operation as these relate to the district in which they seek to locate.

The special use regulations as they apply to Commercial Districts govern several large traffic-generating uses such as arenas, stadiums, and children's amusement parks, as well as parking lots and garages in excess of the maximum capacity established for these uses in the various Use Groups. These uses involve planning problems affecting a wide area and are therefore made subject to the administrative control of the City Planning Commission. Other uses, such as gasoline service stations, involving potentially troublesome local effects, are appropriately controlled by the Board of Standards and Appeals.

Supplementary Use Regulations (Section 32-40)

The supplementary use regulations contain important restrictions which apply to all uses in the districts specified. Included are provisions relating to the enclosure of uses within buildings; limitations upon the location of commercial uses within buildings, particularly within buildings partly occupied by dwelling units; performance standards for the general service and light manufacturing uses permitted in the C8 District; and controls on the location of gasoline service stations near schools, parks and playgrounds. These regulations are basically qualifications governing the permissibility of uses in the various districts. Some of them, particularly those controlling location within buildings, are so widely applicable and of such major importance that they significantly affect the character of the districts, as was evident in the earlier description of the districts.

Special Provisions Applying Along District Boundaries (Section 32-50)

These regulations place restrictions on commercial development near the boundaries of Residence Districts. Since Residence District boundaries traverse the vast majority of blocks in which Commercial Districts are designated, these regulations are widely applicable. The location of business entrances, show windows, and signs is the primary focus of these regulations. Along principal commercial frontages the restrictions apply within 20 feet, and on the side streets within 75 feet, of the Residence District boundary. In both situations, the purpose is to protect residential development at the district boundary.

Sign Regulations (Section 32-60)

The regulations proposed in this section are patterned in their basic concept on those already in effect in the present resolution, but contain considerably more variation as applied in different districts. In general, the permitted size of signs is greater in the General Commercial and General Service Districts (C4, C6, and C8) than in Local Retail and Service Districts (C1 and C2), where the protection of adjacent residential areas is important and large attention-getting business signs are neither necessary nor appropriate. C5 (Restricted Central Commercial) Districts are subject to the same size restrictions as the C1 and C2 Districts, with an outright ban on illuminated signs. In Commercial Amusement Districts (C7) and in C6-3 Districts, which are confined to the vicinity of Times Square, business and advertising signs are not restricted, in keeping with the well-established character of these districts. Present regulations forbidding signs within 200 feet of, and visible from, a public park or arterial highway are incorporated in the proposed resolution.

Chapter 2 Use Regulations

32-00

GENERAL PROVISIONS

In order to carry out the purposes and provisions of this resolution, the uses of buildings or other structures and of tracts of land have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, including each use listed separately therein, are permitted in Commercial Districts as indicated in Sections 32-11 to 32-24, inclusive.

The following chart sets forth the Use Groups permitted in the Commercial Districts.

USE GROUPS PERMITTED IN COMMERCIAL DISTRICTS

DISTRICTS		USE GROUPS															
		RESIDENTIAL		COMMUNITY FACILITIES		RETAIL AND COMMERCIAL						RECREATION				GEN. SERVICE	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
LOCAL RETAIL	C1																
LOCAL SERVICE	C2																
WATERFRONT RECREATION	C3																
GENERAL COMMERCIAL	C4																
RESTRICTED CENTRAL COMMERCIAL	C5																
GENERAL CENTRAL COMMERCIAL	C6																
COMMERCIAL AMUSEMENT	C7																
GENERAL SERVICE	C8																

Whenever a use is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive use listing, either in the same or another Use Group, the more specific listing shall control.

The letters A, B, C, D, E, F, or G in the column entitled Parking Requirement Category following a use listed in Sections 32-13 to 32-24, inclusive, refer to the classification of commercial uses to determine required accessory off-street parking spaces as set forth in the table in Section 35-21 (General Provisions).

The uses listed in the various Use Groups set forth in Sections 32-11 to 32-24, inclusive, are also listed in alphabetical order in the Index at the end of this resolution, for the convenience of those using the resolution. Whenever there is any difference in meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.

Underlined words in text are defined in Section 12-10.

32-10	USES PERMITTED AS OF RIGHT	Parking Require- ment Category	DISTRICTS							
			C1	C2	C3	C4	C5	C6	C7	C8
32-11	<u>Use Groups 1 and 2</u> Use Groups 1 and 2, as set forth in Section 22-11 and Section 22-12.		C1	C2	C3	C4	C5	C6	C7	
32-12	<u>Use Groups 3 and 4</u> Use Groups 3 and 4, as set forth in Section 22-13 and Section 22-14.		C1	C2	C3	C4	C5	C6	C7	C8
32-13	<u>Use Group 5</u> Use Group 5 consists of <u>hotels</u> used primarily for transient occupancy. A. <u>TRANSIENT RESIDENTIAL USES</u> <u>Hotels, transient</u> B. <u>ACCESSORY USES</u>	G	C1	C2	C3	C4	C5	C6	C7	C8
32-14	<u>Use Group 6</u> Use Group 6 consists primarily of retail stores and personal service establishments which: (1) Provide for a wide variety of local consumer needs, and (2) Have a small service area and are, therefore, distributed widely throughout the City. Public service establishments serving small areas are also included. Retail and service establish- ments are listed in two sub-groups, both of which are permitted in all C1 Districts. The <u>uses</u> listed in A below are also permitted within <u>large-scale residential developments</u> , to provide daily convenience shopping for residents of the development. A. <u>CONVENIENCE RETAIL OR SERVICE ESTABLISHMENTS</u> Bakeries, provided that <u>floor area</u> used for production shall be limited to 750 square feet per establishment Barber shops Beauty parlors Drug stores * Dry cleaning or clothes pressing establish- ments or receiving stations dealing directly with ultimate consumers, li- mited to 2,000 square feet of <u>floor</u> <u>area</u> per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahren- heit shall be used, and total aggre- gate dry load capacity of machines shall not exceed 60 pounds. Eating or drinking places, including enter- tainment by not more than one person, and also including outdoor table ser- vice Food stores, including supermarkets, gro- cery stores, meat markets or delicat- essen stores Hardware stores * Laundry establishments, hand or automatic self-service Package liquor stores Post offices	B B B B B B A B B B B	C1	C2		C4	C5	C6	C7	C8

* In a C5 District, a use in Use Group 6, marked with an asterisk, shall not be located on the ground floor of a building unless such use is at least 50 feet from the front wall of the building in which it is located, as provided in Section 32-423 (Limitation on ground floor location).

32-14	Use Group 6, continued	Parking Require- ment Category	DISTRICTS							
			C1	C2	C3	C4	C5	C6	C7	C8
			C1	C2		C4	C5	C6	C7	C8
	* Shoe or hat repair shops	B								
	Stationery stores	B								
	Tailor or dressmaking shops, custom, includ- ing repairs	B								
	Variety stores, limited to 10,000 square feet of <u>floor area</u> per establishment	B								
	<u>E. OFFICES</u>									
	Offices, business, professional, or governmental	C								
	<u>C. RETAIL OR SERVICE ESTABLISHMENTS</u>									
	Antique stores	B								
	Art galleries, commercial	B								
	Artists' supply stores	B								
	Automobile supply stores, with no repair services	B								
	Banks, including drive-in banks	B								
	Bicycle sales	B								
	Book stores	B								
	Candy or ice cream stores	B								
	Carpet, rug, linoleum, or other floor covering stores, limited to 10,000 square feet of <u>floor area</u> per establishment	C								
	Chiropodist or podiatrist offices	B								
	Cigar or tobacco stores	B								
	Clothing or clothing accessory shops, limited to 10,000 square feet of <u>floor area</u> per establishment	B								
	Dry goods or fabrics stores, limited to 10,000 square feet of <u>floor area</u> per establishment	B								
	Electrical or household appliance stores, limited to 10,000 square feet of <u>floor area</u> per est- ablishment	B								
	Florist shops	B								
	* Frozen food lockers	B								
	Furniture stores, limited to 10,000 square feet of <u>floor area</u> per establishment	C								
	Furrier shops, custom, including repairs	B								
	Gift shops	B								
	Interior decorating establishments, provided that <u>floor area</u> used for processing, ser- vicing or repairs shall be limited to 750 square feet per establishment	B								
	Jewelry or art metal craft shops	B								
	Leather goods or luggage stores	B								
	* Loan offices	C								
	* Locksmith shops	B								
	Medical or orthopedic appliance stores	B								
	* Meeting halls	D								
	Millinery shops	B								
	Music stores	B								
	Newsstands, open or enclosed	B								
	Optician or optometrist establishments	B								
	Paint stores	B								
	Pet shops	E								
	* Photographic developing or printing establishments	B								
	Photographic equipment or supply stores	B								
	Photographic studios	B								
	Picture framing shops	B								
	Record stores	B								
	Seed or garden supply stores	B								
	Sewing machine stores, selling household machines only	B								
	Shoe stores	B								
	Sporting or athletic goods stores	B								
	Stamp or coin stores	B								
	* Studios, music, dancing, or theatrical	C								
	Telegraph offices	B								
	Television or radio stores	B								
	Toy stores	B								
	Travel bureaus	C								
	Typewriter sales stores, with incidental repairs	B								
	Wallpaper stores	B								
	Watch or clock stores or repair shops	E								

* In a C5 District, a use in Use Group 6, marked with an asterisk, shall not be located on the ground floor of a building unless such use is at least 50 feet from the front wall of the building in which it is located. See Section 32-423 (Limitation on ground floor location).

32-14	Use Group 6, continued	Parking Require- ment Category	DISTRICTS							
			C1	C2	C3	C4	C5	C6	C7	C8
	D. <u>PUBLIC SERVICE ESTABLISHMENTS</u>		C1	C2		C4	C5	C6	C7	C8
	Court houses	C								
	* Electric or gas substations serving a dis- tribution area	C								
	Fire or police stations	C								
	* Telephone exchanges	C								
	* Water or sewage pumping stations	C								
	E. <u>ACCESSORY USES</u>									
32-15	Use Group 7			C2				C6	C7	C8
	Use Group 7 consists primarily of home mainten- ance or repair services which:									
	(1) Fulfill recurrent needs of residents in nearby areas, and									
	(2) Have a relatively small service area and are, therefore, widely distributed throughout the City, and									
	(3) Are incompatible in primary retail districts since they break the continuity of retail frontage.									
	A. <u>TRANSIENT RESIDENTIAL USES</u>									
	Motels or tourist cabins	G								
	Trailer camps, provided that the total lot area of the <u>zoning lot</u> shall include not less than 2,000 square feet per trailer, that a 30 foot rear yard and 20 foot front and side yards shall be provided, and that the minimum dis- tance between individual trailers shall be 16 feet									
	B. <u>RETAIL OR SERVICE ESTABLISHMENTS</u>									
	Bicycle rental or repair shops	C								
	Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establish- ments, limited to 2,500 square feet of <u>floor area</u> per establishment	C								
	Exterminators	C								
	Monument sales establishments, with inci- dental processing to order, but not including the shaping of headstones	C								
	Moving or storage offices, with storage limited to items for retail sale and to 1,500 square feet of <u>floor area</u> per establishment	C								
	Refreshment stands, drive-in. serving cus- tomers in parked motor vehicles	B								
	Sign painting shops, limited to 2,500 square feet of <u>floor area</u> per est- ablishment	C								
	Taxidermist shops	C								
	Undertakers or funeral parlors	G								
	Venetian blind, window shade, or awning shops, custom, including repairs, limited to 2,500 square feet of <u>floor</u> <u>area</u> per establishment	C								

* In a C5 District, a use in Use Group 6, marked with an asterisk, shall not be located on the ground floor of a building unless such use is at least 50 feet from the front wall of the building in which it is located, as provided in Section 32-423 (Limitation on ground floor location).

Underlined words in text are defined in Section 12-10.

32-15 Use Group 7, continued	Parking Require- ment Category	DISTRICTS							
		C1	C2	C3	C4	C5	C6	C7	C8
C. <u>WHOLESALE ESTABLISHMENTS</u>			C2				C6	C7	C8
Wholesale establishments, with not more than 1,500 square feet of <u>accessory</u> storage per establishment	C								
D. <u>AUTOMOTIVE SERVICE ESTABLISHMENTS</u>									
Automobile glass or mirror shops	C								
Automobile seat cover or convertible top establishments, selling or installation	C								
Tire sales establishments	C								
E. <u>ACCESSORY USES</u>									
32-16 Use Group 8			C2		C4		C6	C7	C8
Use Group 8 consists primarily of amusement or service establishments which:									
(1) Are appropriate in local service districts to serve nearby <u>residential</u> areas, or									
(2) Depend on a wide service radius and may appropriately be located in secondary or major commercial centers.									
Since these establishments are generally patronized by customers for special purposes not associated with retail shopping, they are appropriate neither in local shopping areas nor in the restricted central commercial areas.									
A. <u>AMUSEMENTS</u>									
* Billiard parlors or pool halls	D								
* Bowling alleys, limited to 5,000 square feet of <u>floor area</u> per establishment	D								
Theaters	E								
B. <u>RETAIL OR SERVICE ESTABLISHMENTS</u>									
* Automobile driving schools	C								
* Clothing or costume rental establishments	C								
* Musical instrument repair shops	C								
* Pawn shops	C								
Television, radio, or household appliance repair shops	C								
* Typewriter or other small business machine repair shops	C								
* Upholstering shops dealing directly with consumers	C								
C. <u>PUBLIC SERVICE ESTABLISHMENTS</u>									
Prisons									
D. <u>AUTOMOTIVE SERVICE ESTABLISHMENTS</u>									
Commercial parking lots, with capacity of less than 150 spaces, subject to the provisions set forth for <u>accessory</u> off-street parking spaces in Section 35-53 (Location of Access to the Street), Section 35-54 (Surfacing), Section 35-55 (Screening), and Section 32-43 (Commercial Parking Garages, Commercial Parking Lots, or Gasoline Service Stations Near Schools, Parks, or Playgrounds).									
* In a C4 District, a use in Use Group 8, marked with an asterisk, shall not be located on the ground floor of a <u>building</u> unless such use is at least 50 feet from the front wall of the <u>building</u> in which it is located, as provided in Section 32-423 (Limitation on ground floor location).									

Underlined words in text are defined in Section 12-10.

Parking
Require-
ment
Category

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
	C2		C4		C6	C7	C8
	C2		C4	C5	C6	C7	C8

32-16 Use Group 8, continued

E. ACCESSORY USES

32-17 Use Group 9

Use Group 9 consists primarily of business and other services which:

- (1) Serve a large area and are, therefore, appropriate in secondary, major, and central commercial shopping areas, and
- (2) Are also appropriate in local service districts since these are typically located on the periphery of major or secondary centers.

A. RETAIL OR SERVICE ESTABLISHMENTS

- Automobile, motorcycle, trailer, or boat showrooms with no repair services C
- * Blueprinting or photostating establishments C
- * Business schools or colleges C
- * Catering establishments C
- * Physical culture or health establishments, including gymnasiums, reducing salons, masseurs, or steam baths
- * Medical or dental laboratories for research or testing, not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effects C
- Plumbing, heating, or ventilating equipment showrooms, without repair facilities C
- * Printing establishments, limited to 2,500 square feet of floor area per establishment for production C
- * Public auction rooms D
- * Trade or other schools for adults, not involving any danger of fire or explosion nor of offensive noise, vibration, smoke or other particulate matter, dust, odorous matter, heat, humidity, glare or other objectionable effects C
- * Umbrella repair shops D
- * Wedding chapels or banquet halls

B. WHOLESALE ESTABLISHMENTS

- Photographic developing or printing establishments, limited to 2,500 square feet of floor area per establishment C

C. AUTOMOTIVE SERVICE ESTABLISHMENTS

Commercial parking garages with capacity of less than 150 spaces, subject to the provisions set forth for accessory off-street parking spaces in Section 35-53 (Location of Access to the Street) and Section 32-43 (Commercial Parking Garages, Commercial Parking Lots, or Gasoline Service Stations Near Schools, Parks or Playgrounds)

D. ACCESSORY USES

- * In C4 or C5 Districts, a use in Use Group 9, marked with an asterisk, shall not be located on the ground floor of a building unless such use is at least 50 feet from the front wall of the building in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

Underlined words in text are defined in Section 12-10.

32-18 Use Group 10

(1) Serve a wide area, ranging from a community to the whole metropolitan area, and are, therefore, appropriate in secondary, major, or central shopping areas, and

(2) Are not appropriate in local shopping or local service areas because of the generation of considerable pedestrian, automobile, or truck traffic.

A. RETAIL OR SERVICE ESTABLISHMENTS

Carpet, rug, linoleum, or other floor covering stores, with no limitation on floor area per establishment

Clothing or clothing accessory stores,
with no limitation on floor area
per establishment

Department stores

Dry goods or fabrics stores, with no limitation on floor area per establishment

Eating or drinking places, with enter-
tainment

Electrical or household appliance stores, with no limitation on floor area per establishment

Furniture stores, with no limitation
on floor area per establishment

Office or business machine stores, sales
or rental

Radio or televisions studios

Variety stores, with no limitation on floor area per establishment

B. WHOLESALE ESTABLISHMENTS

- * Wholesale offices or showrooms, with storage restricted to samples

C. ACCESSORY USES

32-19 Use Group 11

Use Group 11 consists of a few types of essentially custom manufacturing activities which:

(1) Benefit from a central location and are appropriate in the central business district, and

(2) Generally do not create any significant objectionable influences, and

(3) Involve products characterized by a high ratio of value to bulk, so that truck traffic is kept to a minimum.

* In C5 Districts, a use in Use Group 10, marked with an asterisk, shall not be located on the ground floor of a building unless such use is at least 50 feet from the front wall of the building in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

Underlined words in text are defined in Section 12-10.

	Parking Require- ment Category	DISTRICTS							
		C1	C2	C3	C4	C5	C6	C7	C8
32-19 Use Group 11, continued						C5	C6		C8
A. <u>MANUFACTURING ESTABLISHMENTS</u>									
* Art needle work, hand weaving, or tapes-tries	G								
* Books, hand binding or tooling	G								
* Clothing, custom manufacturing or altering for retail	G								
* Custom ceramic products	G								
* Custom hair products	G								
* Custom orthopedic or medical appliances	G								
* Jewelry manufacturing from precious metals	G								
* Medical, dental, drafting instruments, optical goods, or similar precision instruments	G								
* Musical instruments, except pianos or organs	G								
* Watch making	G								
B. <u>WHOLESALE ESTABLISHMENTS</u>									
Wholesale establishments, with accessory storage limited to 2,500 square feet of floor area per establishment	C								
C. <u>ACCESSORY USES</u>									
32-20 Use Group 12					C4		C6	C7	C8
Use Group 12 consists primarily of fairly large entertainment facilities which:									
(1) Have a wide service area and generate considerable pedestrian, automotive or truck traffic, and									
(2) Are, therefore, appropriate only in secondary, major, or central commercial areas.									
A. <u>AMUSEMENTS</u>									
Arenas, or auditoriums, with capacity limited to 2,500 seats	E								
* Bowling alleys or table tennis halls, with no limitation on floor area per establishment	D								
* Public dance halls	D								
Skating rinks, indoor	D								
Stadiums, with capacity limited to 2,500 seats	E								
Trade expositions, with legal capacity limited to 2,500 persons	E								
B. <u>ACCESSORY USES</u>									
32-21 Use Group 13								C7	C8
Use Group 13 consists primarily of open amusement establishments which:									
(1) Generate considerable noise and traffic, particularly at night, and									
(2) Are appropriate only in commercial amusement districts or semi-industrial or industrial areas.									

* In C5 Districts, a use in Use Group 11, and in C4 Districts, a use in Use Group 12, marked with an asterisk, shall not be located on the ground floor of a building unless such use is at least 50 feet from the front wall of the building in which it is located, as provided in Section 32-423 (Limitation on ground floor location).

Underlined words in text are defined in Section 12-10.

32-21 Use Group 13, continued

Children's amusement parks, provided that the total area of the zoning lot shall not exceed 10,000 square feet, and that no amusement attractions shall be located within 20 feet of a Residence District boundary.

F

Circuses, carnivals, or fairs of a temporary nature

F

Commercial beaches or swimming pools

F

Day camps, outdoor

Golf driving ranges

F

Miniature golf courses

32-22 Use Group 14

Use Group 14 consists of the special services and facilities required for boating and related activities in waterfront recreational areas.

Boat fuel sales, open or enclosed
Boat rentals, open or enclosed
Boat storage, repair, or painting, including the incidental sale of boats, boat parts, or accessories, restricted to boats less than 100 feet in length, provided that such use or portion thereof may be conducted outside a completely enclosed building only if located at a distance greater than 100 feet from a Residence District boundary
Eating or drinking places, including entertainment by not more than one person, and also including outdoor table service
Fishing tackle or equipment, rental or sales

C

G

C

E

C

B. ACCESSORY USES

32-23 Use Group 15

Use Group 15 consists of large open commercial amusement establishments which:

- (1) Generate considerable noise or traffic, and
- (2) Are appropriate only in a few areas designated for open amusement parks.

A. AMUSEMENTS

Children's amusement parks, with no limitation on floor area per establishment

Ferris wheels, roller coasters, whips, parachute jumps, merry-go-rounds, or similar open midway attractions

Freak shows, wax museums, dodgem scooters, or similar open or enclosed midway attractions

Open booths with games of skill or chance, including shooting galleries

Penny arcades

F

F

F

F

F

B. ACCESSORY USES

Underlined words in text are defined in Section 12-10.

Use Group 16 consists of automotive and other necessary semi-industrial uses which:

- (1) Are required widely throughout the city, and
- (2) Involve offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable influences, making such uses incompatible with residential uses and other types of commercial development.

Animal hospitals or kennels
Animal pounds
Automobile, motorcycle, trailer, or boat
sales, open or enclosed
Blacksmith shops
Building materials sales, open or en-
closed, limited to 5,000 square
feet of lot area per establishment
Carpentry, custom woodworking, or custom
furniture making shops
Carpet cleaning establishments
Crematoriums, human
Drycleaning or dyeing establishments, with
no limitation on type of operation,
solvents, floor area, or capacity per
establishment
Electrical, glazing, heating, painting,
paper hanging, plumbing, roofing, or
ventilating contractors' establish-
ments, open or enclosed, with open
storage limited to 5,000 square feet
of lot area per establishment
Fuel, ice, oil, coal, or wood sales, open
or enclosed, limited to 5,000 square
feet of lot area per establishment
Household or office equipment or machinery
repair shops, such as refrigerators,
washing machines, stoves, deep freezers,
or air conditioning units
Laundries, with no limitation on type of
operation
Linen, towel, or diaper supply establish-
ments
Machinery rental or sales establishments
Mirror silvering or glass cutting shops
Moving or storage offices, with no lim-
itation as to storage or floor area
per establishment
Packing or crating establishments
Poultry or rabbit killing establishments,
for retail sale on the same zoning
lot only
Riding academies, open or enclosed
Sign painting shops, with no limitation
on floor area per establishment
Silver plating shops, custom, including
repairs
Soldering or welding shops
Stables for horses
Tool, die, or pattern making establish-
ments, or shops
Trade schools for adults
Trucking terminals, limited to 20,000
square feet of lot area per
establishment

Automobile laundries, provided that the zoning lot contains reservoir space for not less than 10 automobiles per washing lane

Automobile, truck, or motor cycle repairs, except body repairs

[illegible]

Underlined words in text are defined in Section 12-10.

32-24	Use Group 16, continued	Parking Require- ment Category	DISTRICTS							
			C1	C2	C3	C4	C5	C6	C7	C8
	C. <u>LIGHT AUTOMOTIVE SERVICE ESTABLISHMENTS</u>									C8
	Commercial or public utility vehicle storage, open or enclosed	C								
	Dead storage of motor vehicles									
	Gasoline service stations, open or enclosed, provided that chassis or gear lubrication facilities are permitted only if enclosed within a <u>building</u>									
	D. <u>PUBLIC SERVICE ESTABLISHMENTS</u>									
	Public transit yards, open or enclosed	C								
	E. <u>WHOLESALE AND STORAGE ESTABLISHMENTS</u>									
	Photographic developing or printing, with no limitation on <u>floor area</u> per establishment	C								
	Warehouses	G								
	Wholesale establishments, with no limitation on <u>accessory</u> storage	C								
	F. <u>ACCESSORY USES</u>									
32-30	USES PERMITTED BY SPECIAL PERMIT									
32-31	<u>By the Board of Standards and Appeals</u>									
	In the districts indicated, the following <u>uses</u> are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Chapter 3 of Article VII.		C1	C2	C3	C4	C5	C6	C7	C8
	Children's amusement parks, with sites of not less than 10,000 square feet nor more than 75,000 square feet per establishment	F								C8
	Commercial beaches	F			C3					
	Commercial swimming pools	F			C3					
	Colleges or universities (except business colleges) or schools (except trade schools for adults) provided they have no residential accommodations									C8
	Day camps, outdoor		C1	C2	C3					
	Gasoline service stations, open or enclosed, with sites of not less than 10,000 nor more than 15,000 square feet per establishment, and provided that chassis or gear lubrication facilities are permitted only if enclosed within a building			C2				C6	C7	
	Radio or television towers		C1	C2	C3	C4	C5	C6	C7	C8
	Sand, gravel, or clay pits		C1	C2	C3	C4	C5	C6	C7	C8
	Theaters, limited to a maximum capacity of 500 seats	E	C1							

Underlined words in text are defined in Section 12-10.

32-32

By the City Planning Commission

Parking
Require-
ment
Category

In the districts indicated, the following uses are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Chapter 3 of Article VII.

Arenas, auditoriums, or stadiums with a capacity in excess of 2,500 seats

E

Bus stations

With less than 10 berths

With 10 or more berths

Children's amusement parks with sites of not less than 75,000 square feet nor more than 10 acres per establishment

F

Commercial parking lots or garages

Garages or lots limited in capacity to 100 spaces

Garages with capacity of 150 spaces or more

Lots with capacity of 150 spaces or more

Drive-in theaters, with a maximum capacity of 500 automobiles

Heliports

Racetracks

Railroad passenger stations

Trade expositions with a legal capacity in excess of 2,500 persons

E

Trucking terminals or motor freight stations with sites in excess of 20,000 square feet per establishment

G

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
			C4		C6	C7	C8
C1	C2		C4		C6	C7	C8
			C4		C6		
							C8
C1							
	C2		C4	C5	C6	C7	C8
	C2		C4		C6	C7	C8
						C7	C8
					C6		C8
							C8
C1	C2	C3	C4	C5	C6	C7	C8
			C4		C6	C7	C8
							C8
C1	C2	C3	C4	C5	C6		C8
C1	C2	C3					
C1	C2	C3					

32-40

SUPPLEMENTARY USE REGULATIONS

32-41

Enclosure Within Buildings

In the districts indicated, all permitted uses shall be located within completely enclosed buildings, except for accessory off-street parking spaces or loading berths, and except as otherwise specifically provided in the Use Groups permitted in such districts.

32-42

Location Within Buildings

32-421

Limitation on floors occupied by non-residential uses

In the districts indicated, in any building occupied in part by residential uses listed in Use Group 1 or 2 or by community facility uses listed in Use Group 3 or 4, no non-residential uses listed in Use Group 6, 7, 8, 9, or 14 shall be located above the level of the first story ceiling. In any other building, not more than two floors may be occupied by such non-residential uses listed in Use Group 6, 7, 8, 9 or 14; and for this purpose a basement occupied by such non-residential uses shall be counted as one floor.

Underlined words in text are defined in Section 12-10.

Underlined words in text are defined in Section 12-10.

32-52 Corner Lots

In all districts, as indicated, where frontage on a corner lot in any Commercial District adjoins frontage on an interior lot in any Residence District, no primary business entrance, show window, or sign shall be located within 75 feet of the Residence District boundary. However, if such a corner lot in the Commercial District adjoins zoning lots in Residence Districts on both frontages, the requirements of this Section shall apply to only one frontage of the corner lot in the Commercial District, and the requirements of Section 32-51 (Interior Lots) shall apply to the other frontage. The provisions of this Section shall not apply to service entrances, any other entrances less than three feet six inches in width, windows other than show windows, or ventilators, fire escapes, or other appurtenances required by law.

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8

32-53 Subdivision of Lots

In all districts, as indicated, for all zoning lots existing at the effective date of this resolution, the provisions of Section 32-51 (Interior Lots) or Section 32-52 (Corner Lots) shall apply regardless of any subsequent subdivision.

C1	C2	C3	C4	C5	C6	C7	C8
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32-60 SIGN REGULATIONS

32-61 Definitions (repeated from Section 12-10)

Sign

A "sign" is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, word, model, banner, flag, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows.

A sign includes any billboard, but does not include the flag, pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit, or of any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

Sign, advertising

An "advertising sign" is a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same zoning lot.

Sign, business

A "business sign" is an accessory sign which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same zoning lot. A "for sale" or "for rent" sign relating to the zoning lot on which it is displayed shall be deemed a business sign.

Sign, flashing

A "flashing sign" is any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

Sign, illuminated

An "illuminated sign" is any sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.

Underlined words in text are defined in Section 12-10.

In the districts indicated, accessory business signs are permitted as set forth in this Section, except as otherwise provided in Section 32-66 (Special Provisions Applying Along District Boundaries), and subject to the provisions of Section 32-63 (Additional Regulations for Accessory Business Signs).

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8

In the districts indicated, non-illuminated signs with areas not exceeding those shown in the following table are permitted:

Maximum Area (in square feet)						
50			C3			
150, or three times the street frontage of the <u>zoning lot</u> (in feet), whichever is greater	C1	C2		C5		
500, or five times the street frontage of the <u>zoning lot</u> , whichever is greater			C4		C6-1 C6-2	C8
No restrictions as to size					C6-3	C7

In the districts indicated, illuminated non-flashing signs with an area not exceeding 50 square feet are permitted.

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In the districts indicated, illuminated or flashing signs with areas not exceeding those shown in the following table are permitted:

	C6-1	C7	C8
Maximum Area (in square feet)	c4	C6-2	C8
300			
No restrictions as to size		C6-3 C7	

In all districts, as indicated, permitted accessory
business signs are subject to the regulations of
this Section.

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In all districts, as indicated, no permitted sign shall project across a street line more than 12 inches except the following:

(a) Non-illuminated signs on awnings or canopies permitted by Section C 26-219.0 of the Administrative Code, with an area not exceeding 12 square feet and with the height of letters not exceeding 12 inches, provided that such signs shall be limited to identification of the name or address of the building or an establishment contained therein.

[illegible]

32-631 Projecting signs, continued

(b) Signs on marquees permitted by Section C 26-219.0 of the Administrative Code, provided that no such sign shall extend beyond the limits of the marquee on which it is located, except that individual free-standing letters may project to a height of 24 inches above said marquee.

32-632 Height of signs

In the districts indicated, no permitted sign shall extend above curb level at a height greater than the following:

Maximum Height
(in feet)

20

30

32-64 Permitted Advertising Signs

In the districts indicated, except as otherwise provided in Section 32-66 (Special Provisions Applying Along District Boundaries), advertising signs are permitted with no restrictions on size, illumination, or otherwise.

32-65 Additional Regulations for Advertising Signs

In the districts indicated, no advertising sign shall be located, nor shall an existing advertising sign be structurally altered, within 200 feet of an arterial highway or of a public park with an area of one-half acre or more, if such advertising sign is within view of such arterial highway or public park. For the purposes of this Section, arterial highways shall include all highways which are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes", "parkways", or "toll crossings" and which have been designated by the City Planning Commission as an arterial highway to which the provisions of this Section shall apply. However, beyond 200 feet from such arterial highway or public park, an advertising sign shall be located at a distance of at least as many linear feet therefrom as there are square feet of area on the face of such sign.

32-66 Special Provisions Applying along District Boundaries

In all districts, as indicated, and within 250 feet of the boundary of a Residence District, no sign shall be larger (in square feet) than its linear distance (in feet) from the Residence District boundary.

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6		C8
C1	C2	C3	C4	C5			
					C6-1 C6-2		C8
					C6-3	C7	
					C6-3	C7	
C1	C2	C3	C4	C5	C6	C7	C8

Explanation of Commercial Bulk Regulations

General Purposes

In addition to regulation of the use of land and buildings, measures designed to control the concentration of commercial activity and to insure adequate light, air, and open space are also necessary in order fully to promote a high standard of commercial development within the City. From the public's point of view, the concentration of commercial uses is important not only because it results from the needs of both shoppers and businessmen for greater efficiency and convenience, but also because it creates substantial problems of congestion in terms of pedestrian street and subway traffic. Different commercial centers with their different levels of transportation and other facilities serve different functions and to this extent operate efficiently at different intensities of development. The Central Business District of Manhattan, for example, which serves as the business center of the nation and the region, has a huge network of transportation and other facilities to serve the large numbers of people who need access to the District. Outlying shopping areas, however, which serve a large neighborhood or community, obviously are not designed to absorb these vast amounts of traffic, while small neighborhood shopping areas are by their nature limited in the amount of activity that can safely and effectively be concentrated within them.

In addition, the history of commercial development in New York City has shown the need for more light, air, and open space within commercial areas, particularly within the Central Business District of Manhattan. The adverse effects of the dark and narrow canyons created by massive buildings on narrow streets have long been apparent.



Downtown Manhattan has some of the highest bulks in the world. Construction of the Equitable Building, which rises 41 stories without a setback, sparked the movement for the first zoning resolution in 1916.

The term "bulk controls", as used here, indicates those regulations which affect the volume, shape, and spacing of buildings on the land in order to control both the concentration of activity and the provision of light, air, and open space. The commercial bulk controls contained in Chapters 3 and 4 of Article III of the proposed resolution constitute a separate set of regulations which are related to, but operate independently of, controls over land use.

Bulk Control Devices for Commercial Buildings

Regulating Building Volume: Floor Area Ratio (Section 23-10)

The Floor Area Ratio is the device proposed to control the intensity of commercial development by limiting the amount of floor area permitted on a lot.

The Floor Area Ratio expresses the relationship between the amount of floor area permitted and each 100 square feet of lot area. A Floor Area Ratio of 300, for example, permits three times as much floor area as the area of the lot. This direct device is simple and practical to administer and limits the volume of a building without imposing rigid restrictions on its design.

The maximum permitted Floor Area Ratio varies among the proposed Commercial Districts on the basis of the location and function of the district. The various levels of Floor Area Ratio proposed for commercial buildings reflect the vast differences in location and function which the bulk controls must recognize. In the case of C4 Districts, for example, these controls must apply to new shopping centers like Glen Oaks in outer Queens, as well as to major buying centers such as 125th Street in Manhattan. While the same set of use controls applies in both these extreme cases, the maximum permitted Floor Area Ratio differs considerably.

The importance of the Floor Area Ratio as a controlling device for commercial uses differs among the Commercial Districts. In those districts in which substantial amounts of off-street parking space are required, the maximum permitted Floor Area Ratio will be relatively unimportant in controlling the intensity of commercial development, since the provision of the required parking on the same site as such development will in most cases automatically govern the relationship between the floor area of the building and the lot area. However, in the critical Commercial Districts in central Manhattan, the Floor Area Ratio is of primary importance and constitutes the principal bulk control.

It is proposed that the over-all bulk of structures in the Local Retail (C1) and Local Service (C2) Districts be controlled by the bulk regulations of the Residence Districts within which they are designated on the proposed zoning maps. For the non-local Commercial Districts, nine levels of Floor Area Ratio, varying from 50 to 1500, are proposed to be applied to the various types of commercial concentrations, ranging from the equivalent of country cross-roads stores in Staten Island to the prime retail and office areas along Fifth Avenue in Manhattan. The descriptions of the proposed districts which incorporate the proposed bulk levels are contained at the end of this explanatory section.

In the central areas of the City, where high Floor Area Ratios up to 1,500 are permitted, open plazas are encouraged by means of a floor area bonus. Three additional square feet of floor area are permitted for each square foot of open space provided in a plaza. The slight increase in maximum permitted bulk resulting from this bonus is well justified by the benefits of increased open space.

Yard Regulations (Section 23-20)

In addition to control of the volume of buildings, regulations on yards, heights, and setbacks are proposed to insure the provision of light, air, and open space.

Requirements for yards are generally similar for all the Commercial Districts. No front or side yards are required, but if a side yard is provided it must be at least eight feet wide to ensure adequate light and ventilation and facilitate access for maintenance and fire-fighting. An eight foot side yard must also be provided on zoning lots which are at the boundaries of Residence Districts. Normally, a rear yard of 20 feet is required in all Commercial Districts. However, where zoning lots in a Commercial District and in an adjoining Residence District have common rear lot lines, the required depth of rear yards is 20 feet. A rear yard in most situations may start at 25 feet above curb level. This provision affords maximum utilization of the rear portions of lots for accessory parking, or

other purposes, while providing open space for the benefit of the upper floors where it is more needed.

Height and Setback Regulations (Section 23-40)

Regulations controlling the height and setback of commercial buildings are proposed. Since the devices are identical with those described earlier in the section on residential bulk regulations, the earlier explanation is repeated.

The present resolution was written in large measure to cope with the problem of keeping buildings from robbing other buildings or the public streets of adequate light. In attempting to solve this problem, a fixed geometric setback plane was established above a specified height, which has the now familiar limitation of producing rigid and complex building shapes which are not only uneconomic to construct but inefficient to use.



Open area at ground level permits a higher rise before a setback is required, as well as a bonus in Floor Area Ratio. Seagram Building, Manhattan.

The proposed regulations are intended to insure that public streets and all portions of buildings fronting on streets have access to light and air, and to provide a general feeling of openness at street level. A series of flexible and interchangeable regulations has been developed with the goal of permitting the maximum possible degree of design freedom in achieving economic, efficient, and attractive buildings.

Three devices which may be used in combination are proposed. The first of these devices limits the height of walls which may be built on the street line or front yard line. Any portion of a building rising above the maximum permitted height of the front walls would be required to set back a specified distance called the "initial setback distance". To supplement the required setback and insure adequate sky exposure to the street, an inclined plane is proposed, called the "sky exposure plane", which rises from a point directly above the street line or front yard line and at a height equal to the maximum height permitted prior to the required setback. Buildings are not permitted to penetrate the "sky exposure plane" and thereby rise to an excessive height too near the street.

In summary, this device establishes an envelope characterized by a vertical wall of a stated maximum height (the maximum height of a front wall), and a required setback (the initial setback distance), above which the building could continue to rise, first vertically and then beneath a limiting angle (the sky exposure plane). This device, if used alone, creates a geometric zoning envelope similar to that of the present resolution, except for one major difference. By requiring all buildings to set back at a specified height (30, 60, or 85 feet, depending upon the district), the proposed regulation exposes a considerably greater portion of the sky, thus offering a more

attractive and open street aspect. Even in the highest density districts, the street walls are limited to a height which produces a one to one relationship between the wall heights and the street width.

A second proposed device, alternative to the first, permits the street walls of buildings to rise to greater heights, provided the buildings are set back a specified distance at street level. This alternative permits buildings to rise vertically from the ground to the point where they intersect the "alternate sky exposure plane" established at the same point as in the first device but rising at a steeper angle.

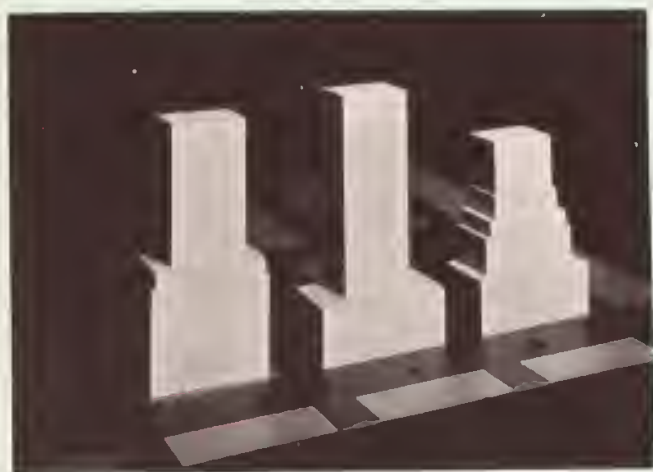
The third device, applicable in the highest density Residence and Commercial Districts, concerns towers. In the present resolution, a tower is permitted to rise vertically without being affected by required setbacks if specified distances between the tower and street are observed, and if the tower covers not more than 25 percent of the lot. The height of such tower is not limited. Since the proposed Floor Area Ratio regulations limit the amount of floor area which may be erected on a lot, a different approach to the problem is possible. The proposed tower regulations permit a building or a portion of a building to cover 40 percent of the lot without any required setbacks or limitation by the "sky exposure planes" as long as the Floor Area Ratio is not exceeded. A tower may be placed no nearer to a narrow street than one-third of the tower width which faces the street, and no nearer to a wide street than one-fourth of the tower's width. In the first case, the tower need be no more than 50 feet from the street and in the second case, 40 feet. These modifications of the standard requirements for access of light are designed to encourage departures from the widely prevalent "wedding cake" building forms resulting from the rigid envelope imposed by the present resolution. In addition to their other advantages, the proposed regulations offer scope and incentive for original architectural design.



Tower covering less than 40% of the lot area may pierce sky exposure plane. Lever House, Manhattan.

Among the choices offered by these inter-changeable regulations are the following:

- 1) Utilization of the tower provisions alone.
- 2) Utilization of the regulations contained in the first device up to the maximum permitted height of a street wall, and then utilization of the tower provisions.
- 3) Utilization of the regulations contained in the first device up to any height after the initial setback, and then utilization of the tower provisions.
- 4) Utilization of the second device alone, involving a specified setback at the street level.
- 5) Utilization of the second device in combination with the tower provisions.



Models illustrate, right to left:
 (1) maximum bulk using proposed standard envelope, with no bonuses.
 (2) maximum bulk up to required initial setback, with tower above, and
 (3) open area at ground level permitting higher rise before initial setback, with tower above.

Regulation of Residential and Mixed Buildings (Article III, Chapter 4)

In Commercial Districts, the bulks of residential buildings are governed by the bulk, density, and open space provisions of a specified Residence District. These provisions apply also to "mixed buildings" used partly for residential and partly for commercial or community facility uses. In most Commercial Districts, the maximum permitted Floor Area Ratios for such buildings are the same as those for commercial buildings. Two outstanding exceptions are:

- 1) The Central Commercial Districts, where the necessarily high bulks permitted for commercial buildings exceed those appropriate for residential buildings.
- 2) The Local Retail (C1) and Local Service Districts (C2) when located within high density Residence Districts, where the permitted bulks for residential exceed those for commercial buildings.

Bulk Regulations by District

The eight proposed Commercial Use Districts are combined with nine levels of permitted building bulk (Floor Area Ratio) to fit the various types of situations prevailing in New York City. The proposed districts are grouped into the following four primary categories and described below:

- 1) Local commercial districts (C1 and C2)
- 2) Community or regional commercial districts (C4)

3) Central business districts (C3 and C6)

4) Special purpose district (C4, C7, and C8)

The second number of the district designation (e.g., C4-1) indicates the applicable Floor Area Ratio level and the level of parking required. The parking regulations are explained in the next section.

Local Commercial Districts (C1 and C2)

The C1 and C2 (Local Retail and Local Service) Districts are generally governed by the bulk regulations of the surrounding Residence District.

The total floor area of any building in one of these districts is limited by the maximum Floor Area Ratio of the Residence District surrounding it. In addition, the floor area which may be in commercial use is limited to two stories. (See Explanation of Commercial Use Regulations.)

C1 or C2 Districts located within R1 to R5 Districts would thus be limited to one-story buildings of 50 percent to 100 percent, or two-story buildings of 10 to 50 percent, of lot coverage, depending on the Floor Area Ratio of the Residence District. In R6 to R9 Districts, a higher permitted Floor Area Ratio would permit two-story commercial buildings with full lot coverage. In general, these controls serve to limit the intensity of any commercial use to levels consistent with the type of residential area in which it is located.

Residential and community facility buildings and the residential portions of mixed buildings must also comply with the bulk regulations for the Residence District within which the C1 or C2 Districts are mapped.



Modern low-bulk shopping center at bulk and height comparable with surrounding area, White-stone, Queens.

Community or Regional Commercial Districts (C4)

The C4 Districts are subdivided into seven classifications reflecting variations in bulk and parking requirements. These districts are designed to accommodate intensive commercial development, including office buildings and department stores, in primary and secondary outlying shopping centers. The proposed bulk levels are, therefore, somewhat higher than those for the C1 and C2 Districts. The seven different C4 Districts represent three different levels of permitted Floor Area Ratio. The remaining three C4 Districts are created to provide for variations in parking requirements.

The C4-1 District, with a maximum Floor Area Ratio of 100 and a high parking requirement level, is designed for outlying shopping centers such as Fresh Meadows or Glen Oaks, which are presently developed to high standards of parking. In these districts, the amount

of off-street parking space required, together with the expected continuing predominance of one-story structures, will normally result in bulks considerably below the maximum permitted. Residential buildings in C4-1 Districts are governed by the bulk regulations of R5 Districts. The district is mapped only in outlying centers in Queens and Richmond.

The C4-2 and C4-3 Districts have maximum permitted Floor Area Ratios of 200, with medium and low parking requirement levels, respectively. These districts have been designated on the proposed zoning maps widely throughout the City -- C4-2 Districts being located mostly in Queens and Richmond and C4-3 Districts in the older secondary centers of Brooklyn and the Bronx. All but the largest centers in these four boroughs are proposed at these bulk levels. The proposed Floor Area Ratio levels permit commercial development at the fairly high intensity appropriate for centers with one or two department stores and extensive office use on upper floors. Residential buildings in these districts are subject to the bulk regulations of R6 Districts.

The C4-4 and C4-5 Districts have a maximum permitted Floor Area Ratio of 240, with medium and low parking requirements, respectively. These districts are designed for the City's largest outlying shopping centers which are exceptionally well served by public transportation. Jamaica and Fordham Road are examples of these districts. High bulks are permitted in recognition of their function and strategic location, justifying the existing heavy concentrations of large retail stores and office buildings. These major centers generally are located in older areas of the City where surrounding residential densities are high. Residential buildings, when located in these districts, are therefore controlled by the bulk, density, and open space regulations of the R7 District.

The C4-6 Districts permit the same maximum Floor Area Ratio of 340 permitted in C4-4 and C4-5 Districts, but require no parking for commercial uses. These districts are designed for comparatively small commercial centers in the high density areas of Manhattan, which draw a large proportion of their retail trade from customers living nearby who arrive on foot or by public transportation. Parking requirements are therefore neither needed nor desirable.

The C4-7 Districts are designed for the areas in Manhattan extending along Broadway between West 72nd Street and West 96th Street, and also along West 72nd Street itself. Very high residential densities along and adjacent to these streets are recognized by creation of this district. Residential buildings here are governed by the residential bulk and density provisions of R9 Districts. Commercial establishments are limited to a Floor Area Ratio of 340, as in the C4-4, C4-5, and C4-6 Districts. No parking is required for commercial uses in C4-7 Districts, since they are supported by the high concentrations of population residing within walking distance.

The Central Business Districts (C5 and C6)

Two types of Commercial Districts are proposed for the Central Business Districts of Manhattan and downtown Brooklyn. In these highly developed and concentrated commercial areas, the highest building bulks are permitted.

The C5-2 and C5-3 Districts, with maximum permitted Floor Area Ratios of 1,000 and 1,500, respectively, are designed for the principal concentrations of high bulk office buildings and retail stores in midtown and downtown Manhattan and in downtown Brooklyn. In general, the highest bulk new office buildings have located in the Grand Central area, bounded by 32nd and 50th Streets, the Avenue of the Americas, and the East River. This is the scene of the greatest post-war expansion and also the most critical subway congestion. In this area about 12,000,000 square feet of office space have been added since World War II. This is close to one-third of all the new office space built in the City during this period, and about 12 percent of the pre-war City total.

From the point of view of subway facilities, this

area has relatively the most over-burdened service of any part of midtown Manhattan. The subway station at Grand Central, the principal focal point for transportation in the area, presently handles close to 75,000 people in the peak travel hours, almost half again as many people as any other station and about 15 percent of all the peak period subway travellers in the midtown Manhattan area. The conditions in this subway station during the peak travel hours are among the many evidences of the effect of this massing of office space in a relatively small area.

The proposed level of building bulk for the C5-3 Districts (Floor Area Ratio 1,500) is designed to encourage more spreading out of intensive office development over a wider area of the Central Business District and thus relieve the pressure on already overburdened transportation facilities.

The C5-2 Districts are designed for the remaining parts of the Central Business Districts of Manhattan and downtown Brooklyn, in which it is still possible to limit the spread of over-intensive employment concentrations by holding future bulks to a Floor Area Ratio of 1,000. These areas include the approach to the United Nations Headquarters, the area in and around the Brooklyn Civic Center, and several smaller areas at the north and south ends of the midtown Manhattan office districts.

The C5-1 District is distinguished from the other C5 Districts by its comparatively larger proportion of residential use. Residential buildings in C5-1 Districts, as in the other C5 Districts, are controlled by the bulk regulations of R9 Districts, which permit a Floor Area Ratio of 1,000. Commercial floor area, however, is limited to 340 percent of the lot area, in order to protect these areas from invasion by large office buildings with high employment concentrations. The district is mapped on Madison Avenue north of 60th Street and on several crosstown streets in the Fifties. The comparatively low permitted bulks for commercial buildings should attract the types of commercial development that now exist along these streets.

The C6 Districts have bulk regulations basically similar in design and purpose to those of the C5 Districts. High bulks and employment densities, with resulting problems of congestion, are common to both of these districts. However, since the general scale of land values and existing bulks is somewhat lower in the C6 Districts, maximum permitted commercial bulks are scaled down accordingly, to prevent further extension of excessively high employment concentrations.

The C6-1 Districts, with a maximum permitted Floor Area Ratio of 600, are located just outside the core of the Brooklyn Central Business District and in certain central commercial areas of Manhattan where the proposed bulk levels are not unreasonably restrictive. Buildings which fill the envelope set by the height, setback, and rear yard regulations would typically be erected to heights of seven or eight stories. Some of the areas where this district is designated, such as the Allen Street neighborhood on the lower East Side, are very largely residential in character. Residential development in C6-1 Districts is governed by the bulk, density, and open space regulations of R7 Districts.

The C6-2 and C6-3 Districts are distinguished only by differing sign regulations and are both subject to the same bulk controls, including a maximum Floor Area Ratio of 1,000. (These are also identical with the C5-2 bulk regulations). These districts are located mostly around the periphery of the high bulk retail and office cores -- the C6-2 District in areas characterized by extensive wholesaling, and the C6-3 District in the Times Square area, where its very liberal sign regulations are appropriate. Residential development in C6-2 and C6-3 Districts is governed by the residential bulk regulations of R9 Districts.

Special Purpose Districts (C3, C7, C8)

The C3 (Waterfront Recreation) Districts are designated in areas where only a low intensity of development is needed, and protection of adjacent residential

areas is a prime consideration. The proposed maximum Floor Area Ratio is 50 for all C3 Districts. Residential development in adjacent areas is generally characterized by low densities. Therefore, residential buildings in the districts are governed by the bulk, density, and open space provisions of R3 Districts.

The C7 (Commercial Amusement) Districts are subject to the same bulk regulations for commercial buildings as the C4-2 and C4-3 (General Commercial) Districts. Since this district is composed primarily of open uses, the maximum permitted Floor Area Ratio of 240 will only apply to the few establishments located in buildings. Residential buildings are governed by the bulk, density, and open space provisions of R5 Districts.

The C8 (Heavy Service) Districts serve different purposes in different locations. For example, "automobile rows" in outlying areas are mapped as C8 Districts as well as are areas of concentrated large storage and repair garages, or furniture warehouses in locations close to the center of the City. The variations in bulk controls reflect these functional differences as well as differences in the appropriate intensity of use. The C8 Districts, however, all have one general characteristic in common: the permitted uses can be harmful to adjacent residences. In recognition of this fact, regulations applying along Residence District boundaries are more stringent in C8 than in other Commercial Districts. Rear yards ad-

joining residential zoning lots must be 30 feet deep and no higher than curb level. Side yards abutting rear or side yards of residential zoning lots must be 15 feet wide instead of 8 as required in other Commercial Districts.

The C8-1 is the most widely designated C8 District. It functions for the most part as an automotive service district and is typically mapped adjacent to secondary shopping centers, or more often along major highways such as Northern Boulevard in Bayside in Queens, Coney Island Avenue in Brooklyn, and Boston Road northeast of Pelham Parkway in the Bronx. It also accommodates numerous contractors' establishments. Since intensive use of land is neither likely nor desirable in these areas, the proposed Floor Area Ratio is 80.

The C8-2 Districts typically accommodate rather intensive concentrations of automobile and other repair services and are characterized by two-story buildings with high land coverage. These districts are typically located in high density areas, and most appropriately near major or large secondary centers. The proposed Floor Area Ratio of 240 provides a liberal allowance for this type of development.

The C8-3 Districts are designed for high bulk areas south of 60th Street in Manhattan, where large storage garages and warehouses are located in addition to the repair services characteristic of the C8-2 Districts. A Floor Area Ratio of 500 is proposed for these districts.

Chapter 3

Bulk Regulations for Commercial
or Community Facility Buildings

33-00 GENERAL PROVISIONS AND DEFINITIONS

33-01 Applicability of This Chapter

The bulk regulations of this Chapter apply to commercial buildings, community facility buildings, a building used partly for commercial use and partly for community facility use, or portions of mixed buildings used for other than residential use, when located on a zoning lot in any Commercial District.

33-02 Definitions (repeated from Section 12-10)Building, commercial

A "commercial building" is a building used only for a commercial use.

Building, community facility

A "community facility building" is a building used only for a community facility use.

Building, mixed

A "mixed building" is a building used partly for residential use and partly for a community facility use or a commercial use.

33-10 FLOOR AREA REGULATIONS

Definitions and General Provisions33-11 Definitions (repeated from Section 12-10)Floor area ratio

The "floor area ratio" of a building or buildings or zoning lot is the number of square feet of floor area in such building or buildings for each 100 square feet of lot area. Each square foot of floor area per 100 square feet of lot area is referred to as one point. (For example, in a district where the maximum floor area ratio is 200, a building containing 20,000 square feet of floor area may be constructed on a zoning lot of 10,000 square feet).

Plaza

A "plaza" is an open area accessible to the public, which is either:

- (a) An open area along the front lot line not less than five feet deep (measured perpendicular to the front lot line), or
- (b) An open area on a through lot, extending from street to street and not less than 40 feet wide.

Such a plaza shall not at any point be more than five feet above the curb level of the nearest adjoining street, and shall be unobstructed from its lowest level to the sky, except as provided in Sections 23-44, 33-24 or 43-14 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

Zoning lot

A "zoning lot" is a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot may be subsequently subdivided into two or more zoning lots subject to the provisions of this resolution. A zoning lot therefore may or may not coincide with a lot as shown on the official tax maps of the City of New York, or on any recorded subdivision plat or deed.

33-12 Maximum Permitted Floor Area Ratio

In all districts, as indicated, the maximum floor area ratio for a zoning lot shall not exceed the floor area ratio set forth in this Section, except as otherwise provided in Section 33-12 (Floor Area Bonus for a Plaza) and Section 33-14 (Special Provisions for Zoning Lots Divided by District Boundaries).

For lot area remainders of less than 100 square feet, the number of square feet of floor area permitted shall be in proportion to the floor area ratio set forth in the district regulations.

33-121 Maximum floor area ratio for C1 or C2 Dis-
tricts

In the districts indicated, the maximum floor area ratio is determined by the Residence District within which such Commercial District is mapped and shall not exceed the maximum floor area ratio set forth in the following table:

Maximum Permitted
Floor Area Ratio

Residential District within which <u>mapped</u>	Floor area ratio
R1	50
R2	50
R3	50
R4	70
R5	100
R6	200
R7	200
R8	200
R9	200

DISTRICTS							
c1	c2	c3	c4	c5	c6	c7	c8
c1	c2	c3	c4	c5	c6	c7	c8
c1	c2						

33-122 Maximum permitted floor area ratio for other
Commercial Districts

In the districts indicated, the maximum permitted floor area ratio for a zoning lot shall not exceed the following:

Maximum Permitted
Floor Area Ratio

	DISTRICTS							
	C1	C2	C3	C4	C5	C6	C7	C8
50			C3	C4	C5	C6	C7	C8
80								C8-1
100				C4-1				
200				C4-2 C4-3			C7	C8-2
340				C4-4 C4-5 C4-6 C4-7	C5-1			
500								C8-3
600						C6-1		
1,000					C5-2	C6-2 C6-3		
1,500					C5-3			

Supplementary Regulations33-13 Floor Area Bonus for a Plaza

In the districts indicated, for each square foot of plaza provided on a zoning lot, the total floor area permitted by the floor area ratio set forth in Section 33-12 (Maximum Permitted Floor Area Ratio) may be increased by three square feet.

C4-7
C5-1
C5-2
C5-3
C6-1
C6-2
C6-3

Regulations Applying in Special Situations33-14 Special Provisions for Zoning Lots Divided by District
Boundaries

In all districts, as indicated, if a zoning lot is divided by a boundary between Commercial Districts with different maximum floor area ratios, the maximum floor area ratio applicable to each portion of such zoning lot shall be multiplied by the percentage of the zoning lot to which each such floor area ratio applies; and the sum of the products obtained shall be the maximum adjusted floor area ratio applicable to such zoning lot.

The resulting floor area which is permitted by the maximum adjusted floor area ratio may be located wherever a building is permitted on a zoning lot, provided that the floor area ratio for each portion of a zoning lot within one district shall not exceed the maximum floor area ratio set forth for that district or the maximum adjusted floor area ratio for the zoning lot, whichever is greater.

C1 C2 C3 C4 C5 C6 C7 C8

33-20

YARD REGULATIONS

Definitions and General Provisions33-21 Definitions (repeated from Section 12-10)Yard

A "yard" is that portion of a zoning lot extending open and unobstructed from the lowest level to the sky along a lot line, and from the lot line for a depth or width set forth in the applicable district regulations.

Yard, front

A "front yard" is a yard extending along the full length of the front lot line between the side lot lines of a zoning lot.

Yard, rear

A "rear yard" is a yard extending for the full length of the rear lot line between the side lot lines of a zoning lot.

Yard equivalent, rear

A "rear yard equivalent" is an open area which may be required on a through lot as alternative to a required rear yard.

Yard, side

A "side yard" is a yard extending along a side lot line from the required front yard (or from the front lot line, if no front yard is required) to the required rear yard (or to the rear lot line, if no rear yard is required).

33-22 Level of Yards

In all Commercial Districts, the level of a yard or of a rear yard equivalent shall be not higher than curb level, except as provided in Section 33-23 (Level of Rear Yards). However, this Section shall not be construed to require that natural grade level be disturbed in order to comply with this requirement.

No building or other structure shall be erected above ground level in any required yard or rear yard equivalent except as otherwise provided in Section 33-24 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

33-23 Level of Rear Yards

In all Commercial Districts, the level of a rear yard shall not be higher than 23 feet above curb level. However, this Section shall not be construed to require natural grade level to be disturbed.

33-24 Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all Commercial Districts, the following shall not be considered obstructions when located within a required yard or rear yard equivalent:

(a) In any yard or rear yard equivalent:

- Chimneys, projecting not more than three feet into, and not exceeding two percent of the area of, the required yard or rear yard equivalent
- Fences
- Flag poles
- Open accessory off-street parking spaces
- Steps
- Terraces, awnings, or canopies
- Walls, not exceeding eight feet in height

33-24 Permitted Obstructions in Required Yards or Rear Yard Equivalents, continued(b) In any rear yard or rear yard equivalent:

Accessory off-street parking spaces, either open or enclosed, provided that the height of an accessory building used for such purposes and located in a required rear yard or rear yard equivalent shall not exceed 23 feet above curb level

Balconies, not exceeding 15 percent of the area of the required rear yard or rear yard equivalent

Breezeways

However, no portion of a rear yard equivalent which is also a required front yard or required side yard may contain any obstructions not permitted in such front yard or side-yard.

33-25 Measurement of Yard Width or Depth

In all Commercial Districts, the width or depth of a yard or rear yard equivalent shall be measured perpendicular to lot lines.

		DISTRICTS							
		C1	C2	C3	C4	C5	C6	C7	C8
<u>Basic Regulations</u>									
33-26	<u>Minimum Required Side Yards</u>								
In all districts, as indicated, no side yards are required. However, if a <u>side yard</u> is provided, it shall be at least eight feet wide.		C1	C2	C3	C4	C5	C6	C7	C8
33-27	<u>Minimum Required Rear Yards</u>								
In all districts, as indicated, except on <u>corner lots</u> and as otherwise provided in Section 33-28 (Special Provisions for Shallow Interior Lots) or Section 33-29 (Special Provisions for Through Lots), on any <u>zoning lot</u> , one <u>rear yard</u> shall be provided with a depth of not less than 20 feet.		C1	C2	C3	C4	C5	C6	C7	C8
<u>Regulations Applying in Special Situations</u>									
33-28	<u>Special Provisions for Shallow Interior Lots</u>								
In all districts, as indicated, if an <u>interior lot</u> consists entirely of a tract of land		C1	C2	C3	C4	C5	C6	C7	C8
(a) Which was owned separately and individually from all other adjoining tracts of land, both on the effective date of this resolution and on the date of application for a building permit, and									
(b) Which is less than 70 feet deep,									
the depth of a required <u>rear yard</u> for such <u>interior lot</u> may be reduced by one foot for each two feet by which the maximum depth of such <u>interior lot</u> is less than 70 feet. No <u>rear yard</u> is required on any <u>interior lot</u> with a maximum depth of 50 feet or less.									
33-29	<u>Special Provisions for Through Lots</u>								
In all districts, as indicated, the regulations of this Section shall apply to all <u>through lots</u> .		C1	C2	C3	C4	C5	C6	C7	C8
33-291	<u>Excepted districts</u>				C4-4 C4-5 C4-6 C4-7	C5-1 C5-2 C5-3	C6-1 C6-2 C6-3		C8-3
In the districts indicated, no <u>rear yard</u> regulations shall apply to any <u>through lot</u> .									

Underlined words in text are defined in Section 12-10.

33-292 Excepted through lots

In the districts indicated, no rear yard regulations shall apply to any through lots which extend less than 110 feet in maximum depth from street to street.

33-293 Excepted rear yard equivalents

In the districts indicated, on any through lot 110 feet or more in maximum depth from street to street, one of the following rear yard equivalents shall be provided:

- An open area with a minimum depth of 40 feet linking adjoining rear yards, or if no such rear yards exist, then midway (or within five feet of being midway) between the two street lines upon which such through lot fronts, or
- Two open areas, each adjoining and extending along the full length of the street line, and each with a minimum depth of 20 feet measured from such street line, or
- Two open areas, each adjoining and extending along the full length of a side lot line, and each with a minimum width of 20 feet.

Any such rear yard equivalent shall be unobstructed from its lowest level to the sky, except as provided in Section 33-24 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

33-30 Special Provisions Applying Along District Boundaries

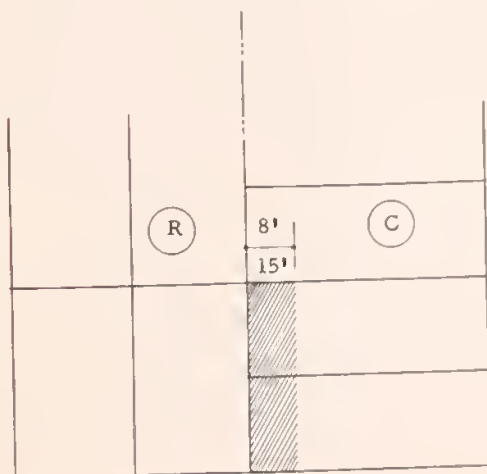
33-301 Required yards along district boundary coincident with side lot line of zoning lot in a Residence District

In all districts, as indicated, if the boundary of a Commercial District coincides with a side lot line of a zoning lot in a Residence District, a yard not higher than curb level shall be provided along such boundary and within the Commercial District with at least the width or depth set forth in the following table. Such a yard shall not be used for accessory off-street parking, accessory off-street loading, or for storage or processing of any kind.

Required Width or Depth
of Yard
(in feet)

8

15



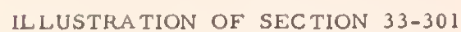
STREET

ILLUSTRATION OF SECTION 33-301

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4-1 C4-2 C4-3			C7	C8-1 C8-2
C1	C2	C3	C4-1 C4-2 C4-3			C7	C8-1 C8-2
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8

Underlined words in text are defined in Section 12-10.

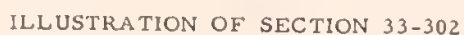
Required yards along district boundary coincident with side lot line of zoning lot in a Residence District, continued



Required yards along district boundary
coincident with rear lot lines of two
adjoining zoning lots

Required Depth of Yard

Maximum level of <u>ynrd</u>	Depth (<u>in feet</u>)
23 feet above curb level	30
Curb level	30



DISTRICTS							
c1	c2	c3	c4	c5	c6	c7	c8
c1	c2	c3	c4	c5	c6	c7	c8
c1	c2	c3	c4	c5	c6	c7	c8
c1	c2	c3	c4	c5	c6	c7	
							c8

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33-40

HEIGHT AND SETBACK REGULATIONS

Definitions and General Provisions33-41 Definitions (repeated from Section 12-10)Initial setback distance

An "initial setback distance" is a horizontal distance measured from a street line into a zoning lot for a depth as set forth in the district regulations.

Public park

A "public park" is any publicly-owned park, playground, beach, parkway or roadway within the jurisdiction and control of the Commissioner of Parks, except for parked strips or malls in a street the roadways of which are not within his jurisdiction and control.

Sky exposure plane

A "sky exposure plane" is an imaginary inclined plane:

- (a) Beginning above the street line (or, where so indicated, above the front yard line) at a height set forth in the district regulations, and
- (b) Rising over a zoning lot at a slope determined by an acute angle (measured down from the vertical) set forth in the district regulations.

Street, narrow

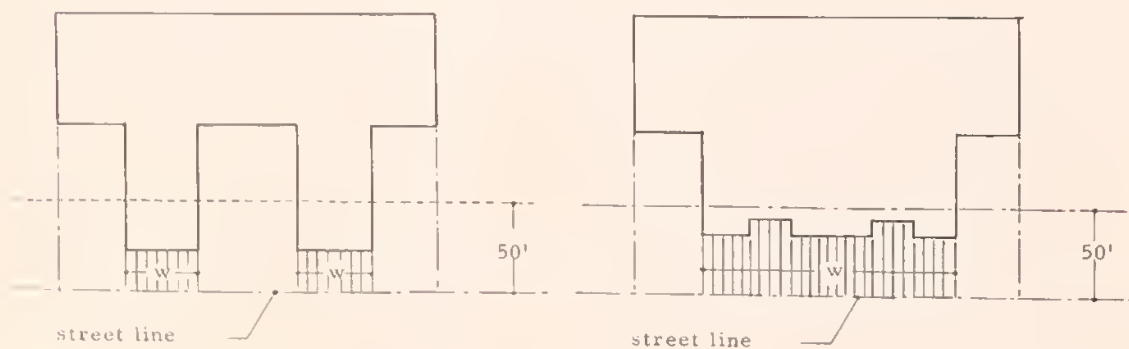
A "narrow street" is any street less than 75 feet wide.

Street, wide

A "wide street" is any street 75 feet or more in width.

Street walls, aggregate width of

The "aggregate width of street walls" at any given level is the sum of the maximum widths of all street walls of a building within 50 feet of a street line. The width of a street wall is the length of the street line from which, when viewed directly from above, lines perpendicular to the street line may be drawn to such street wall.



w is the aggregate width of street walls.

ILLUSTRATION OF AGGREGATE WIDTH OF STREET WALLS
SECTION 33-41

Underlined words in text are defined in Section 12-10.

In the districts indicated, the maximum permitted height of a front wall and the required front setback of a building or other structure shall be as set forth in the following table:

Initial set-back distance (in feet)		Maximum height of a front wall or other portion of a building within the initial set- back distance	Sky exposure plane		
			Height above street line (in feet)	Angle of slope over zoning lot (measured down from the verti- cal, in degrees)	
On narrow street	On wide street			On narrow street	On wide street
20	15	30 feet or two stories, which- ever is less	30	45	45
20	15	60 feet or four stories, which- ever is less	60	20	10
20	15	85 feet or six stories, which- ever is less	85	20	10

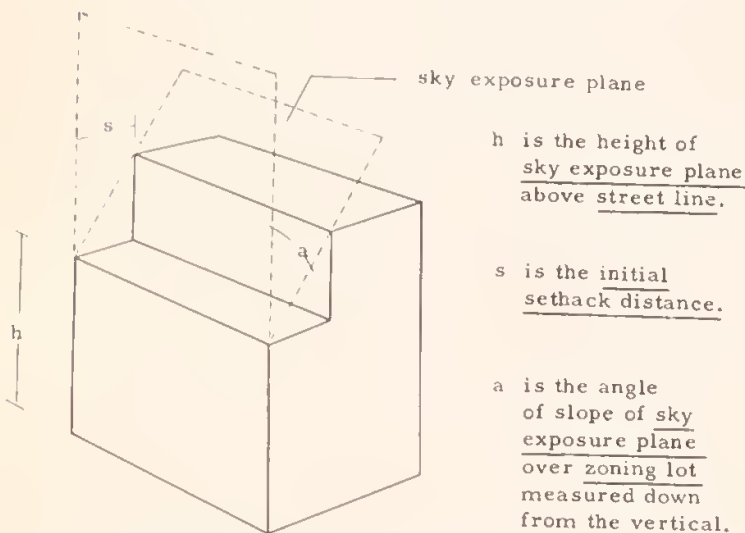


ILLUSTRATION OF SKY EXPOSURE PLANE
SECTION 33-432

In all districts, as indicated, if an open area is provided along the front lot line with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Permitted Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the front lot line. However, in such instances no building or other structure shall penetrate the alternate sky exposure plane set forth in this Section. In such cases, the sky exposure plane shall be measured from a point above the street line. Such open area is eligible for the bonus provided for plazas in Section 33-13 (Floor Area Bonus for a Plaza).

Underlined words in text are defined in Section 12-10.

[illegible]

33-441 In C1 or C2 Districts

In the districts indicated, the alternate front setback regulations applicable to a building or other structure are determined by the Residence District in which such Commercial District is mapped and shall be as set forth in the following table:

Alternate Required Front Setbacks

Depth of optional front open area (in feet)		Alternate sky exposure plane		
		Height above street line (in feet)	Angle of slope over zoning lot (measured from the vertical in degrees)	
On narrow street	On wide street		On narrow street	On wide street
<u>In R1, R2, R3, R4, or R5 Districts</u>				
15	10	30	35	35
<u>In R6, R7, R8, or R9 Districts</u>				
15	10	85	15	7½

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2						
C1	C2						
C1	C2						

33-442 In other Commercial Districts

In the districts indicated, the alternate front setback regulations applicable to a building or other structure shall be as set forth in the following table:

Alternate Required Front Setbacks

Depth of optional front open area (in feet)		Alternate sky exposure plane		
		Height above street line (in feet)	Angle of slope over zoning lot (measured from the vertical in degrees)	
On narrow street	On wide street		On narrow street	On wide street
15	10	30	35	35
15	10	60	15	7½
15	10	85	15	7½

		C3	C4	C5	C6	C7	C8
		C3					C8-1
			C4-1 C4-2 C4-3			C7	C8-2
			C4-4 C4-5 C4-6 C4-7	C5	C6		C8-2

Underlined words in text are defined in Section 12-10.

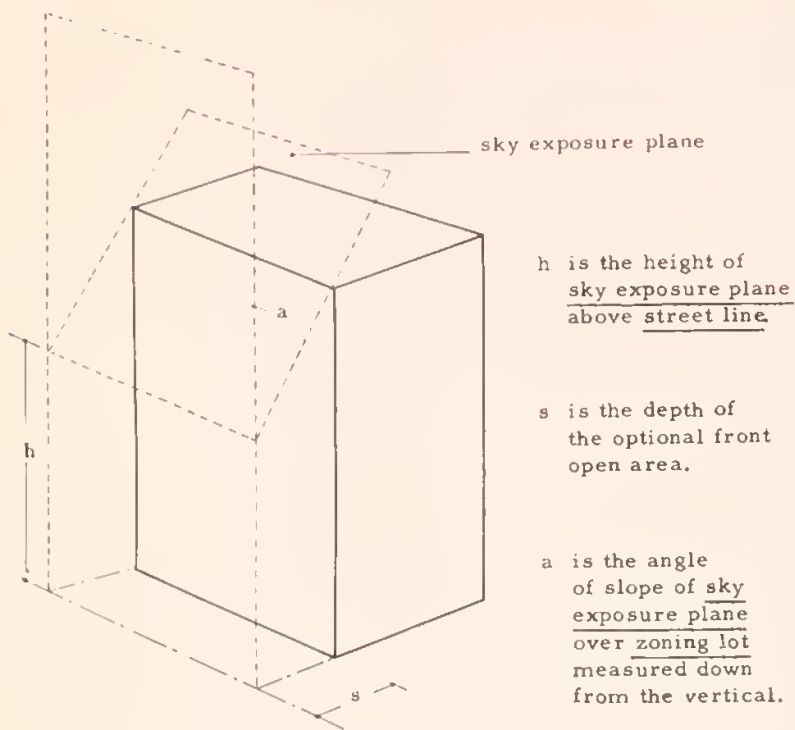
33-442 In other Commercial Districts, continued

ILLUSTRATION OF ALTERNATE SKY EXPOSURE PLANE
SECTION 33-442

Supplementary Regulations

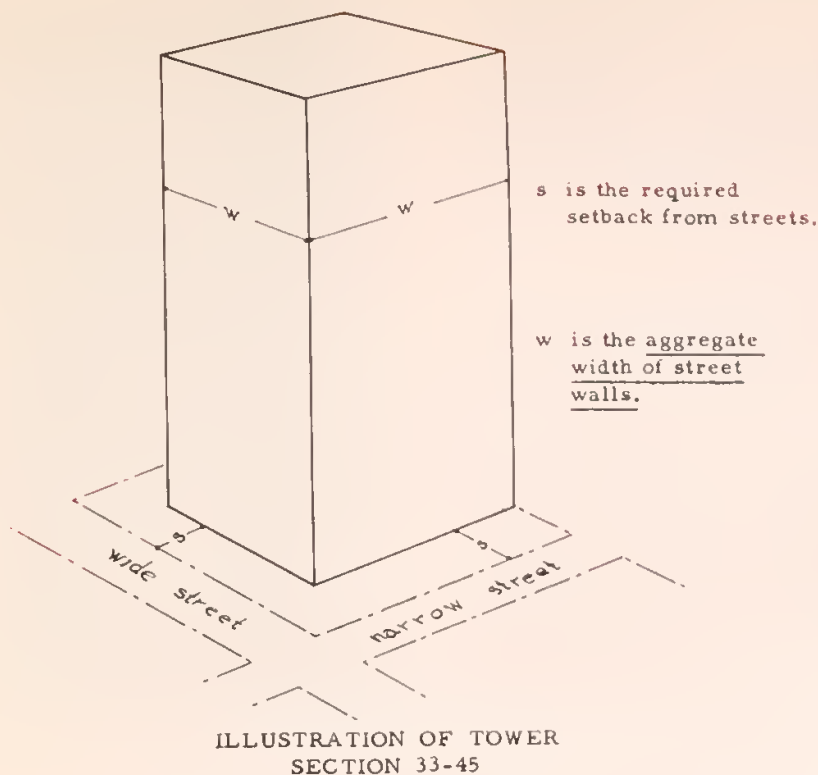
33-45 Tower Regulations

In the districts indicated, any building or buildings or portion or portions thereof which in the aggregate occupy not more than 40 percent of the area of a zoning lot (hereinafter referred to as a tower) may penetrate an established sky exposure plane. However, at any given level, such tower shall be set back from a street line as follows:

- (a) On narrow streets, by a distance at least one-third the aggregate width of street walls of the tower at such level, provided that such setback need not exceed 50 feet.
- (b) On wide streets, by a distance one fourth the aggregate width of street walls of the tower at such level, provided that such setback need not exceed 40 feet.

[illegible]

33-45 Tower Regulations, continued



DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
				C5-6 C5-2 C4-7	C6-2 C6-3		
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8

33-50

MINIMUM REQUIRED DISTANCE BETWEEN
TWO OR MORE WALLS OF THE
SAME BUILDING - COURT REGULATIONS

33-51

Minimum Dimensions of Courts for Community Facility Build-
ings

In all districts, as indicated, the regulations set forth
in the following Sections shall apply to all buildings
containing community facility uses:

Section 23-83 (Minimum Dimensions of Outer Courts)

Section 23-84 (Narrow Outer Courts)

Section 23-85 (Wide Outer Courts)

Section 23-86 (Outer Court Recesses)

Section 23-87 (Minimum Dimensions of Inner Courts)

Section 23-88 (Inner Court Recesses)

33-52

Minimum Required Distance Between Legally Required Win-
dows and any Wall in a Court

In all districts, as indicated, the minimum distance be-
tween any legally required window and any wall, side lot
line, or rear lot line shall be 20 feet, measured in a
horizontal plane at the sill level of, and perpendicular
to, such window for the full width of the rough window
opening.

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8

Chapter 4 Bulk Regulations for Residential or Mixed
Buildings in Commercial Districts

34-00 GENERAL PROVISIONS

34-01 Applicability of This Chapter

The regulations of this Chapter apply to residential buildings or mixed buildings, when located on a zoning lot in any Commercial District.

34-02 Definitions (repeated from Section 12-10)

Building, mixed

A "mixed building" is a building used partly for residential use and partly for a community facility use or a commercial use.

34-10 APPLICABILITY OF RESIDENCE DISTRICT REGULATIONS

34-11 General Provisions

In the districts indicated, the bulk regulations for residential buildings or for the residential portions of mixed buildings are as set forth in this Section, except as otherwise provided in Section 34-12 (Exceptions to Applicability of Residence District Controls).

34-111 Residential bulk regulations in C1 or C2 Districts

In the districts indicated, the bulk regulations for the Residence Districts within which such Commercial Districts are mapped apply, except that for such C1 or C2 District mapped within an R1 or R2 District, the bulk regulations for an R3 District apply.

The bulk regulations for Residence Districts are set forth in Article II, Chapter 3.

34-112 Residential bulk regulations in C3, C4, C5, C6, or C7 Districts

In the districts indicated, the bulk regulations are the bulk regulations for the Residence Districts set forth in the following table. The bulk regulations for Residence Districts are set forth in Article II, Chapter 3.

Applicable Residence District

R3

R5

R6

R7

R9

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	
C1	C2						
		C3	C4	C5	C6	C7	
		C3					
			C4-1			C7	
			C4-2				
			C4-3				
			C4-4				
			C4-5				
			C4-6		C6-1		
			C4-7	C5	C6-2		
					C6-3		
C1	C2	C3	C4	C5	C6	C7	

34-12 Exceptions to Applicability of Residence District Controls

In the districts indicated, for a residential building or for a mixed building, the regulations set forth in all the remaining Sections of this Chapter shall apply instead of the bulk regulations specified in Section 34-11 (General Provisions), which would otherwise be controlling.

34-20

FLOOR AREA RATIO REGULATIONS

34-21 Maximum Permitted Floor Area Ratio for Mixed Buildings

In the districts indicated, the maximum floor area ratio for a mixed building is either the maximum floor area ratio for residential buildings set forth in Section 34-11 (General Provisions) or the maximum floor area ratio for commercial buildings set forth in Section 33-12 (Maximum Permitted Floor Area Ratio), whichever is the greater. However, in such mixed building, the total floor area used for residential use shall not exceed the amount permitted by the maximum floor area ratio specified for residential buildings in Section 34-11 (General Provisions), and the total floor area used for commercial use or community facility use shall not exceed the amount permitted by the maximum floor area ratio specified for commercial buildings in Section 33-12 (Maximum Permitted Floor Area Ratio).

34-22 Special Provisions for Zoning Lots Divided by District Boundaries

In the districts indicated, if a zoning lot is divided by a boundary between Commercial Districts with different maximum floor area ratios, the maximum floor area ratio for that portion of a mixed building used for a commercial use or community facility use shall be determined in accordance with the provisions of Section 33-14 (Special Provisions for Zoning Lots Divided by District Boundaries). The maximum floor area ratio for that portion of a mixed building used for residential use shall be determined in accordance with the provisions of Section 34-11 (General Provisions), independently of the maximum floor area ratio established for commercial use.

34-30

DENSITY REGULATIONS — REQUIRED LOT AREA

34-31 Lot Area Per Dwelling Unit for Mixed Buildings

In the districts indicated, mixed buildings are subject to the lot area per dwelling unit regulations as set forth in Section 34-11 (General Provisions). In applying such regulations to mixed buildings, for each 100 square feet of floor area used for commercial use or community facility use in a mixed building, an amount of lot area shall be provided equal to the amounts set forth in this Section.

34-311 Lot area regulations in C1 or C2 Districts

In the districts indicated, the amount of lot area to be provided for each 100 square feet of floor area used for a commercial use or community facility use in a mixed building is determined by the Residence District within which such Commercial District is mapped, and is as follows:

Required Lot Area Per 100
Square Feet of Floor Area
(in square feet)

District within
which C1 or C2
District is
mapped

Square
feet

R1, R2, R3

200

R4

140

R5

100

R6, R7, R8, R9

50

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	
C1	C2	C3	C4	C5	C6	C7	
C1	C2	C3	C4	C5	C6	C7	
C1	C2	C3	C4	C5	C6	C7	
C1	C2						

Underlined words in text are defined in Section 12-10.

BULK REGULATIONS
34-312

7.5

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
		C3	C4	C5	C6	C7	
		C3					
			C4-1				
			C4-2				
			C4-3			C7	
			C4-4				
			C4-5				
			C4-6				
			C4-7	C5-1			
					C6-1		
					C6-2		
				C5-2	C6-3		
				C5-3			

c1	c2	c3	c4	c5	c6	c7
----	----	----	----	----	----	----

c1	c2	c3	c4	c5	c6	c7
----	----	----	----	----	----	----

c1	c2	c3	c4	c5	c6	c7
----	----	----	----	----	----	----

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		DISTRICTS							
		C1	C2	C3	C4	C5	C6	C7	C8
34-53	<u>Minimum Required Rear Yards</u> In the districts indicated, for a residential portion of a <u>mixed building</u> , a <u>rear yard</u> 30 feet in depth is required, beginning at the floor level at which the <u>residential use</u> begins.	C1	C2	C3	C4	C5	C6	C7	
34-54	<u>Special Provisions Applying along District Boundaries</u> In the districts indicated, if a Commercial District boundary coincides with a <u>side lot line</u> of a <u>zoning lot</u> in an R1, R2, R3, R4, or R5 District and a <u>side lot line</u> of an adjoining <u>zoning lot</u> in such Commercial District, a <u>front yard</u> is required for a <u>residential building</u> on such <u>zoning lot</u> located in the Commercial District. The depth of such <u>front yard</u> shall be equal to the required depth of a <u>front yard</u> in the adjacent <u>Residence District</u> .	C1	C2	C3	C4	C5	C6	C7	
34-60	HEIGHT AND SETBACK REGULATIONS								
34-61	<u>Maximum Permitted Height of Front Wall and Required Front Setbacks</u> In the districts indicated, the maximum permitted height of a front wall or other portion of a <u>building or other structure</u> is as set forth in this Section.	C1	C2	C3	C4	C5	C6	C7	
34-611	<u>Maximum permitted height of front wall and required front setback for C1 or C2 Districts</u> In the districts indicated, the height and setback regulations are as set forth in Section 34-11 (General Provisions). However, in applying these regulations, a <u>building</u> may be located at the <u>street line</u> , and the <u>sky exposure plane</u> is always measured from a point above the <u>street line</u> .	C1	C2						
34-612	<u>Maximum permitted height of front wall and required front setbacks for C3, C4, C5, C6, or C7 Districts</u> In the districts indicated, the height and setback regulations as set forth for <u>commercial buildings</u> in Section 33-43 (Maximum Permitted Height of Front Wall and Required Front Setbacks) apply, except that for either a <u>residential building</u> or a <u>mixed building</u> not more than two <u>stories</u> of which are used for other than <u>residential uses</u> , the number of <u>stories</u> permitted in that portion of the building located in the <u>initial setback distance</u> may be exceeded by one <u>story</u> .			C3	C4	C5	C6	C7	

SUMMARY OF BULK REGULATIONS
IN COMMERCIAL DISTRICTS

The following table summarizes
the bulk regulations applying
to Commercial Districts.

SUMMARY OF BULK
COMMERCIAL

District	Maximum Floor Area Ratio		Minimum Open Space Ratio	Minimum Lot Size				Yard Requirements ^{a/}		
	Residences or residential portions of other buildings	All other permitted buildings		Residences or residential portions of other buildings	Single-family or two-family detached residences	Other residences or residential portions of other buildings	Rear yard, minimum depth		Side yard	
							Residences or residential portions of other buildings (in feet)	All other permitted buildings (in feet)		Minimum width if provided (in feet)
C1, when mapped in:										
R1, R2, R3	50	50	150	3,800	40	1,700	18	30	20	8
R4	70	70	90	3,800	40	1,700	18	30	20	8
R5	100	100	60	3,800	40	1,700	18	30	20	8
R6	200	200	30	3,800	40	1,700	18	30	20	8
R7	200	200	20	3,800	40	1,700	18	30	20	8
R8	200	200	10	3,800	40	1,700	18	30	20	8
R9	200	200	None	3,800	40	1,700	18	30	20	8
C2, when mapped in:										
R1, R2, R3	50	50	150	3,800	40	1,700	18	30	20	8
R4	70	70	90	3,800	40	1,700	18	30	20	8
R5	100	100	60	3,800	40	1,700	18	30	20	8
R6	200	200	30	3,800	40	1,700	18	30	20	8
R7	200	200	20	3,800	40	1,700	18	30	20	8
R8	200	200	10	3,800	40	1,700	18	30	20	8
R9	200	200	None	3,800	40	1,700	18	30	20	8
C3	50	50	150	3,800	40	1,700	18	30	20	8
C4-1	100	100	60	3,800	40	1,700	18	30	20	8
C4-2	200	200	30	3,800	40	1,700	18	30	20	8
C4-3	200	200	30	3,800	40	1,700	18	30	20	8
C4-4	280	340	20	3,800	40	1,700	18	30	20	8
C4-5	280	340	20	3,800	40	1,700	18	30	20	8
C4-6	280	340	20	3,800	40	1,700	18	30	20	8
C4-7	1,000	340	None	3,800	40	1,700	18	30	20	8
C5-1	1,000	340	None	3,800	40	1,700	18	30	20	8
C5-2	1,000	1,000	None	3,800	40	1,700	18	30	20	8
C5-3	1,000	1,500	None	3,800	40	1,700	18	30	20	8
C6-1	280	600	20	3,800	40	1,700	18	30	20	8
C6-2	1,000	1,000	None	3,800	40	1,700	18	30	20	8
C6-3	1,000	1,000	None	3,800	40	1,700	18	30	20	8
C7	100	200	60	3,800	40	1,700	18	30	20	8
C8-1	--	80	--	--	--	--	--	--	20	8
C8-2	--	200	--	--	--	--	--	--	20	8
C8-3	---	500	--	--	--	--	--	--	20	8

^{a/} No front or side yards are required in Commercial Districts.

REGULATIONS IN
DISTRICTS

District	Height and Setback Requirements											
	Standard Regulations								Alternate Regulations			
	Initial set-back distance (in feet)		Maximum height of front wall or other portion of building in setback distance		Sky exposure plane			Initial set-back distance (in feet)		Sky exposure plane		
					Height above street line: (in feet)	Angle of slope over zoning lot (in degrees)				Height above street line (in feet)	Angle of slope over zoning lot (in degrees)	
						Narrow street	Wide street				Narrow street	Wide street
Narrow street	Wide street	(in feet)	(in stories)	(in feet)	Narrow street	Wide street	Narrow street	Wide street	(in feet)	Narrow street	Wide street	
C1, when mapped in:												
R1, R2, R3	20	15	30	2	30	45	45	15	10	30	35	35
R4	20	15	30	2	30	45	45	15	10	30	35	35
R5	20	15	30	2	30	45	45	15	10	30	35	35
R6	20	15	85	6	85	20	10	15	10	85	15	7½
R7	20	15	85	6	85	20	10	15	10	85	15	7½
R8	20	15	85	6	85	20	10	15	10	85	15	7½
R9	20	15	85	6	85	20	10	15	10	85	15	7½
C2, when mapped in:												
R1, R2, R3	20	15	30	2	30	45	45	15	10	30	35	35
R4	20	15	30	2	30	45	45	15	10	30	35	35
R5	20	15	30	2	30	45	45	15	10	30	35	35
R6	20	15	85	6	85	20	10	15	10	85	15	7½
R7	20	15	85	6	85	20	10	15	10	85	15	7½
R8	20	15	85	6	85	20	10	15	10	85	15	7½
R9	20	15	85	6	85	20	10	15	10	85	15	7½
C3	20	15	30	2	30	45	45	15	10	60	35	35
C4-1	20	15	60	4	60	20	10	15	10	60	15	7½
C4-2	20	15	60	4	60	20	10	15	10	60	15	7½
C4-3	20	15	60	4	60	20	10	15	10	60	15	7½
C4-4	20	15	85	6	85	20	10	15	10	85	15	7½
C4-5	20	15	85	6	85	20	10	15	10	85	15	7½
C4-6	20	15	85	6	85	20	10	15	10	85	15	7½
C4-7	20	15	85	6	85	20	10	15	10	85	15	7½
C5-1	20	15	85	6	85	20	10	15	10	85	15	7½
C5-2	20	15	85	6	85	20	10	15	10	85	15	7½
C5-3	20	15	85	6	85	20	10	15	10	85	15	7½
C6-1	20	15	85	6	85	20	10	15	10	85	15	7½
C6-2	20	15	85	6	85	20	10	15	10	85	15	7½
C6-3	20	15	85	6	85	20	10	15	10	85	15	7½
C7	20	15	60	4	60	20	10	15	10	60	15	7½
C8-1	20	15	30	2	30	45	45	15	10	30	35	35
C8-2	20	15	60	4	60	20	10	15	10	60	15	7½
C8-3	20	15	85	6	85	20	10	15	10	85	15	7½

Explanation of Commercial Parking and Loading Regulations

The Problem

No belabored exposition of the need of commercial establishments for adequate off-street parking facilities is needed. The best demonstration of how essential such facilities are to merchandizing is the voluntary provision of such facilities by an ever-growing number of such establishments. The adverse effects of congestion resulting from on-street parking, as well as streets continually clogged with traffic trying to find parking space, are also common and painful knowledge.

The parking needs of outlying retail shopping centers are simple and clear-cut. However, the parking needs of commercial establishments in other parts of the City are markedly different. Because of the extreme variation in the use of the automobile for shopping in various parts of New York, the development of a City-wide policy regarding required off-street parking space is not a simple task.

While the theoretical demand for off-street parking in all commercial areas is high, the provision of more off-street parking is not always the best solution in all areas. While the provision of sizeable amounts of parking is essential in outlying shopping centers of a suburban character where the automobile is virtually the only means of access, this does not mean that the same policy should be applied to small neighborhood centers in high density areas or the highly concentrated Central Business Districts of Manhattan and downtown Brooklyn, where the attractive force of more parking space could well cause a worsening of the present intolerable traffic congestion. Thus any realistic policy for off-street parking requirements in the City of New York must take into consideration all types of situations between these two extremes.



Inadequate off-street parking facilities.

Proposed Parking Requirements in Commercial Districts

Basic Requirements for Commercial Uses (Section 35-20)

In the proposed resolution, accessory off-street parking is permitted for all uses in all Commercial Districts, while parking is required for most permitted uses in all Commercial Districts except those located in lower and central Manhattan and in downtown Brooklyn.

The proposed parking regulations for commercial uses are based in large part on surveys of parking provided by selected new commercial establishments or groups of establishments throughout the City. The surveys involved the tabulation of off-street parking spaces provided as well as the utilization of these spaces, and of curb parking spaces, at various times during the day and under varying weather conditions. The study included an analysis of the various commercial uses by type, size, and location.

For the purpose of establishing parking requirements for commercial uses, two primary devices are used. First, all proposed Commercial Districts, regardless of differences in permitted use or bulk, were divided into four major groups on the basis of a similar level of demand for parking. These common parking characteristics result from similarities in location and in the nature of their surrounding areas. Secondly, all commercial uses (Use Groups 5 through 16) were classified into six major categories according to the traffic-generating characteristics of the particular use. Both of these groupings are described in detail below.

The amount of parking required for new commercial development falling into these categories varies with the type of district in which the development is located. For most uses, parking is required only where these establishments reach a certain size. In high requirement districts only very small establishments are excluded from the parking requirements, while in low requirement districts, at the other extreme, only the very large establishments are required to provide parking. In this way parking is required only of those establishments which are likely to attract customers who drive to the particular commercial center. In low-density areas, most of these commercial centers are or are becoming more oriented to the automobile trade, while in medium-density residential areas where the medium requirement districts are proposed, only larger stores serving more than the local neighborhood usually attract automobile traffic. In the high-density areas, only very large stores of community or regional importance would be likely to rely on trade from customers who drive.

District Categories

The proposed Commercial Districts were divided into the following four major categories on the basis of a similar level of demand for parking:

- 1) High requirement districts (C1-1, C2-1, C3, and C4-1)

These districts are characterized by low-density surrounding residential development, a high degree of automobile ownership among the residential population they serve, and a relatively dispersed pattern of commercial centers. Such districts have been proposed on the zoning maps in the outlying parts of Queens, a few areas in Brooklyn and the Bronx, and in the developing parts of Staten Island. These centers are already very strongly oriented towards automobile patronage, and most of the establishments in these centers have already provided substantial amounts of parking.



Ample off-street parking provided in new shopping center. Richmond.

2) Medium requirement districts (C1-2, C2-2, C4-2, C4-4, and C8-1)

These districts have been proposed in areas characterized by predominantly garden apartment and other types of medium-density development in Brooklyn, mid-Queens, areas of the Bronx east of Bronx River Parkway, and the older areas of Staten Island. Since most small local retail establishments in these districts derive their major business from non-driving customers, the major automotive traffic is attracted by medium and large stores which serve an area larger than the local neighborhood. While automobile ownership is relatively high in these areas, its use for shopping is neither as prevalent nor as necessary as in the more suburban-like parts of the City where the high requirement districts described earlier are proposed.

3) Low requirement districts (C1-3, C2-3, C4-3, C4-5, C7, and C8-2)

These districts have been proposed in areas characterized by fairly high density residential development in the Bronx west of Bronx River Parkway, Manhattan above 110th Street, and Jackson Heights. In such areas, only the very large stores serve a population residing further than walking distance from the center. Automobile ownership in these areas is substantially lower than in the areas described earlier where high and medium requirements are proposed, and use of the automobile for shopping is relatively less frequent.

4) Exempt districts (C1-4, C2-4, C4-6, C4-7, C5, C6, and C8-3)

These districts are zoned in lower and central Manhattan and in downtown Brooklyn. In these densely developed and congested areas, more parking space would attract more automobiles and compound the present almost intolerable traffic congestion. At the present time, less than 20 percent of the close to two million people who travel into the area south of 60th Street in Manhattan each day during the peak travel hours come by automobile. This relatively small percentage constitutes the major part of the traffic jam which daily forms at the major access points to the Central Business District. If a sizeable amount of additional off-street parking space were provided in this area, more automobile traffic would undoubtedly be attracted and the present traffic difficulties increased rather than alleviated.

Classification of Commercial Uses

All commercial uses (Use Groups 5 through 16) were classified into the following six categories on the basis of the traffic-generating characteristics of the particular use:

1) Food stores designated by "A" in the Use Groups

Food stores are usually the largest generators of automotive traffic and require very large amounts of parking space relative to floor area. The requirements are designed principally for supermarkets, which are always a key establishment in any group of retail stores and the principal magnet for shoppers. The parking requirements of this group of uses is the highest of all retail uses.

2) General retail uses designated by "B" in the Use Groups

Most retail uses are included in this category, including department stores, variety stores, and most of the smaller retail establishments usually found in a typical retail

center. These establishments are characterized by a high volume of customers in proportion to their size and a high level of traffic generation. Therefore, comparatively high amounts of parking space, though not as high as for food stores, are required relative to floor area.

3) Low traffic-generating uses designated by "C" in the Use Groups

Retail and service uses which generate less traffic than the general retail uses just noted comprise this category. Examples of this class of uses are offices and such retail establishments as furniture stores, which have relatively large amounts of floor area in proportion to the number of customers they attract. The parking requirements of this category of uses are lower than for the two previous groups.

4) Small places of assembly designated by "D" in the Use Groups

This category includes meeting halls, billiard parlors, pool halls, bowling alleys, eating and drinking establishments with entertainment (restaurants, cabarets, night clubs, etc.), wedding chapels, banquet halls, dance halls, and similar amusement establishments. These establishments are principally characterized by night-time operations and a high degree of orientation towards automobile traffic.

5) Large places of assembly designated by "E" in the Use Groups

Theaters, radio and television studios, arenas, auditoriums, stadiums, and other large spectator attractions are examples of this category. Such establishments usually require very large amounts of parking space. Most of the larger establishments in this category are only allowed by special permit since they are usually associated with very great amounts of traffic.

6) Open commercial amusements designated by "F" in the Use Groups

This category includes amusement parks, golf driving ranges, and similar uses associated with Coney Island and other outlying commercial amusement areas. Most of these establishments attract a large amount of automotive traffic.

7) Miscellaneous uses designated by "G" in the Use Groups

This category of uses includes activities which do not validly fit into any of the other classifications because of their unique traffic-generating characteristics. Hotels, motels, funeral parlors, boat rental establishments, warehouses, and custom manufacturing establishments are included among these uses.

The following table summarizes the parking requirements in each use category and each type of district for which parking is required. In the proposed resolution, the parking requirements are generally expressed in terms of the unit of floor area, lot area, or capacity for which one space is required. Establishments smaller than the minimum shown are not required to provide any parking.

Requirements for Community Facilities and Residences

Community facilities permitted in Commercial Districts are listed separately at the end of the table which contains the commercial parking requirements (Section 35-21). Their requirements in high, medium and low requirement Commercial Districts are the same as those

Parking Requirements for
Commercial Uses

<u>Parking requirement use category</u>	<u>District</u>	<u>Size (Square feet of floor area unless otherwise indicated)</u>	<u>Required Spaces (Per square feet of floor area unless other- wise indicated)</u>
A. <u>Food Stores</u>	High Parking Requirement (C1-1, C2-1, C3, C4-1)	2,000 - 3,999 4,000 or over	1 per 200 1 per 100
	Medium Parking Requirement (C1-2, C2-2, C4-2, C4-4, C8-1)	4,000 or over	1 per 200
	Low Parking Requirement (C1-3, C2-3, C4-3, C4-5, C7, C8-2)	8,000 or over	1 per 300
B. <u>General Retail</u>	High Parking Requirement (C1-1, C2-1, C3, C4-1)	3,000 - 9,999 10,000 or over	1 per 200 1 per 125
	Medium Parking Requirement (C1-2, C2-2, C4-2, C4-4, C8-1)	4,000 - 11,999 12,000 or over	1 per 400 1 per 250
	Low Parking Requirement (C1-3, C2-3, C4-3, C4-5, C7, C8-2)	12,000 or over	1 per 400
C. <u>Low Generators</u>	High Parking Requirement (C1-1, C2-1, C3, C4-1)	3,000 or over	1 per 400
	Medium Parking Requirement (C1-2, C2-2, C4-2, C4-4, C8-1)	6,000 or over	1 per 600
	Low Parking Requirement (C1-3, C2-3, C4-3, C4-5, C7, C8-2)	12,000 or over	1 per 1,000
D. <u>Small Places of Assembly</u>	High Parking Requirement (C1-1, C2-1, C3, C4-1)	75 persons capacity or more	1 per 4 persons
	Medium Parking Requirement (C1-2, C2-2, C4-2, C4-4, C8-1)	150 persons capacity or more	1 per 8 persons
	Low Parking Requirement (C1-3, C2-3, C4-3, C4-5, C7, C8-2)	300 persons capacity or more	1 per 12 persons
E. <u>Large Places of Assembly</u>	High Parking Requirement (C1-1, C2-1, C3, C4-1)	150 persons capacity or more	1 per 4 persons
	Medium Parking Requirement (C1-2, C2-2, C4-2, C4-4, C8-1)	300 persons capacity or more	1 per 8 persons
	Low Parking Requirement (C1-3, C2-3, C4-3, C4-5, C7, C8-2)	500 persons capacity or more	1 per 12 persons
F. <u>Open Commercial Amusements</u>	Medium Parking Requirement (C1-2, C2-2, C4-2, C4-4, C8-1)	10,000 square feet lot area or over	1 per 500 square feet lot area
	Low Parking Requirement (C1-3, C2-3, C4-3, C4-5, C7, C8-2)	40,000 square feet lot area or over	1 per 2,000 square feet lot area

in the low-, medium-, and high-density Residence Districts respectively. A description of these requirements is included in the explanatory report preceding the residential parking regulations of the proposed resolution.

Parking is required for new residential development in all Commercial Districts, at the same level required in the Residence District whose bulk regulations control the residential development. The residential requirements are also described in the explanatory report preceding the residential parking regulations.

Additional Parking Regulations

In addition to the basic parking requirements, the following additional controls are proposed:

- 1) Number of spaces permitted (Section 35-12). In order to prevent the possibility of traffic congestion resulting from large and poorly located parking facilities, the size of any single accessory facility is limited to 150 spaces. However, on the approval of the Zoning Administrator, a larger facility may be constructed if it is designed so as to minimize

traffic on surrounding residential streets and to prevent congestion at its entrances and exits.

- 2) Two uses or more with different parking requirements on a zoning lot (Section 35-22). When uses with different parking requirements share a single zoning lot, it is proposed that the requirements of each use apply to the extent of that use. However, the Board of Standards and Appeals may modify requirements for places of assembly which share a lot with other commercial uses if the Board finds that all the separately calculated required parking is not needed.
- 3) Zoning lots divided by district boundaries (Section 35-24). In cases where a zoning lot is divided by a boundary between two Commercial Districts, the requirements of the district in which the greater proportion of the zoning lot is located apply to the whole zoning lot.
- 4) Off-site spaces (Sections 35-43 and 35-45). Both permitted and required accessory parking

spaces may be provided off the site if the following three requirements are met. The parking facilities must be

- a) In the same district or an adjoining Commercial or Manufacturing District,
 - b) Not more than 600 feet from the zoning lot which they serve, and
 - c) In the same ownership as the use to which they are accessory.
- 5) Joint facilities (Section 35-44). Required parking may be provided by means of facilities designed to serve jointly two or more separate developments if the required parking spaces for each facility are met.
 - 6) Use of facilities (Section 35-46). The use of accessory facilities is generally limited to owners, customers, employees, and visitors of the development to which parking is accessory.
 - 7) Size of parking spaces (Section 35-52). The minimum permitted size of each parking stall is 8 feet, 6 inches in width and 18 feet in length. A gross standard of 300 square feet per car is also established for all parking areas, with the provision that facilities with certain design or operational efficiencies may provide less than 300 square feet if approved by the Zoning Administrator.
 - 8) Proximity to street intersections (Section 35-53). In order to minimize traffic hazards, entrances and exits of all parking facilities with 10 or more spaces may not be located within 50 feet of a street intersection.
 - 9) Surfacing (Section 35-54). All open parking areas are required to be paved with permanent solid concrete, asphalt, or other dustless material.
 - 10) Screening (Section 35-55). Screening, in the form of either a solid fence or shrubbery, is required to protect neighboring residences from open parking lots with 10 spaces or more. Groups of individual garages, attached or detached, also require screening.

Off-Street Loading Regulations (Section 35-6C)

The proposed resolution incorporates the off-street loading regulations included in Section 19-A of the present resolution, with the necessary adaptations to the proposed use and bulk districts and with several

important additional regulations. As in the present resolution, berths are required for most commercial, manufacturing and storage uses, in addition to certain other uses including hospitals, hotels, office buildings, undertakers, and funeral parlors, where truck access is indispensable. These requirements apply not only to completely new development, but also to the enlarged portion of existing buildings and to any building which is changed to a use which requires berths.

For commercial use, including hotels and offices, and manufacturing and storage uses in Commercial Districts, more berths relative to floor area are required in the low bulk districts (those with maximum permitted Floor Area Ratio of less than 2.0). In the high bulk districts, only the larger buildings are required to provide berths.

In the proposed resolution, the provisions of Section 19-A of the present resolution are augmented by the following regulations involving the size, design and location of loading berths.

- 1) The proposed dimension of a required berth are 33 feet long, 12 feet wide, and 14 feet high. However, for certain uses, these dimensions are modified to accommodate larger or small vehicles when necessary. For funeral parlors, the required size is substantially less, since berths are generally not needed to accommodate average-sized delivery trucks. For large wholesale, manufacturing, or storage establishments, however, berths are required to be 50 feet in length to accommodate the large tractor-trailers which usually serve these establishments.
- 2) The location of access to the street must be further than 50 feet from street intersections, as with accessory parking facilities. Provisions are made for waivers when closer locations would not cause traffic congestion, or in hardship cases.
- 3) In order to protect neighboring residences, berths located within 60 feet of a Residence District boundary must be enclosed within a building, and access must be at least 30 feet away from the boundary.
- 4) All open berths must be paved with a dustless material and screened from adjoining zoning lots in Residence Districts. The surfacing and screening requirements are generally the same as those required for open off-street parking facilities.

Chapter 5 Accessory Off-Street Parking and Loading Regulations

OFF-STREET PARKING REGULATIONS

35-00 GENERAL PURPOSES AND DEFINITIONS

35-01 General Purposes

The following regulations on permitted and required accessory off-street parking spaces are adopted in order to provide parking spaces off the streets sufficient to give necessary access to developing centers of commerce outside the Central Business District, to reduce traffic congestion caused by parking on the streets, to prevent substantial amounts of traffic from circulating in and parking on residential streets surrounding commercial centers, to provide for a higher standard of commercial development within the City, and thus to promote and protect the public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare.

35-02 Definitions (repeated from Section 12-10)

Group parking facility

A "group parking facility" is a building or other structure or a tract of land, used for the storage of motor vehicles, which contains more than one parking space, which has access to the street common to all spaces, and which, if accessory to a residential use, is designed to serve more than one dwelling unit. A group parking facility shall include, but is not limited to, the following:

- (a) An open parking area
- (b) Parking spaces included within, or on the roof of, a building not primarily used for parking
- (c) A building or buildings used primarily for parking, including a group of individual garages.

Legal capacity

The "legal capacity" of places of public assembly is the number of persons permitted by the Department of Buildings (as specified in Section C 26-1439.G of the Administrative Code) to occupy those places of public assembly listed in the Use Groups under parking requirement category D or parking requirement category E, or these same uses when permitted only by special permit.

35-10 PERMITTED ACCESSORY OFF-STREET PARKING SPACES

35-11 General Provisions

In all districts, as indicated, accessory off-street parking spaces, open or enclosed, may be provided for all permitted uses subject to the provisions set forth in Section 35-12 (Maximum Size of Accessory Group Parking Facilities).

35-12 Maximum Size of Accessory Group Parking Facilities

In all districts, as indicated, no accessory group parking facility shall contain more than 150 off-street parking spaces, unless the Zoning Administrator determines that the following conditions are met:

- (a) That access for such facility is located so as to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage, and
- (b) That such facility has separate vehicular entrances and exits thereto, located not less than 25 feet apart, and

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8

Underlined words in text are defined in Section 12-10.

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Required Off-Street Parking Spaces
for Commercial or Community
Facility Uses
(continued)

			DISTRICTS							
			C1	C2	C3	C4	C5	C6	C7	C8
Type of use	Size of establishment, in square feet of floor area unless otherwise specified	Parking spaces required, per number of square feet of floor area unless otherwise specified	C1	C2	C3	C4	C5	C6	C7	C8
<u>General retail uses</u>	Any size	None	C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
Uses in parking requirement category B in Use Group 6, 7, 10 or 14	Less than 3,000	None	C1-1	C2-1	C3	C4-1				
	3,000 to 9,999	1 per 200								
	10,000 or more	1 per 125								
	Less than 4,000	None	C1-2	C2-2		C4-2 C4-4				C8-1
<u>Low traffic-generating uses</u>	4,000 to 11,999	1 per 400								
	12,000 or more	1 per 250								
	Less than 12,000	None	C1-3	C2-3		C4-3 C4-5			C7	C8-2
	12,000 or more	1 per 400								
Uses in parking requirement category C in Use Group 6, 7, 8, 9, 10, 11, 14, or 16	Any size	None	C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
	Less than 3,000	None	C1-1	C2-1	C3	C4-1				
	3,000 or more	1 per 400								
	Less than 6,000	None	C1-2	C2-2		C4-2 C4-4				C8-1
<u>Small places of assembly</u>	6,000 or more	1 per 600								
	Less than 12,000	None	C1-3	C2-3		C4-3 C4-5			C7	C8-2
	12,000 or more	1 per 1,000								
Uses in parking requirement category D in Use Group 8, 9, 10 or 12	<u>Legal capacity:</u>									
	Any number	None		C2-4		C4-6 C4-7	C5	C6		C8-3
	Fewer than 75 persons	None								
	75 persons or more	1 per 4 persons		C2-1		C4-1				
<u>Large places of assembly</u>	Fewer than 150 persons	None				C4-2				C8-1
	150 persons or more	1 per 8 persons		C2-2		C4-4				
	Fewer than 300 persons	None				C4-3				
	300 persons or more	1 per 12 persons		C2-3		C4-5			C7	C8-2
Uses in parking requirement category E in Use Group 8, 10, or 12, or when permitted by special permit	<u>Legal capacity:</u>									
	Any number	None	C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
	Fewer than 150 persons	None	C1-1	C2-1		C4-1				
	150 persons or more	1 per 4 persons								
<u>Open commercial amusements</u>	Fewer than 300 persons	None	C1-2	C2-2		C4-2 C4-4				C8-1
	300 persons or more	1 per 8 persons								
	Fewer than 500 persons	None	C1-3	C2-3		C4-3 C4-5			C7	C8-2
	500 persons or more	1 per 12 persons								
Uses in parking requirement category F in Use Group 13 or 15, or when permitted by special permit	<u>Square feet of lot area: 1/</u>									
	Any size	None								C8-3
	Less than 10,000	None								
	10,000 or more	1 per 500			C3					C8-1
	Less than 40,000	None								
	40,000 or more	1 per 2,000							C7	C8-2

1/ In the case of golf driving ranges, requirements in this table apply only to portion of range used for tees.

Required Off-Street Parking Spaces
for Commercial or Community
Facility Uses
(continued)

Type of use	Size of establish- ment, in square feet of floor area unless otherwise specified	Parking spaces required, per number of square feet of floor area unless otherwise specified								
Other commercial uses	Commercial Uses (continued)									
Uses in parking re- quirement category G in Use Group 5, 7, 8, 11, or 14, or when permitted by special permit, as listed separately below:										
Hotels										
(a) For that floor area used for sleep- ing accommodations	Any size	None	C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
	Less than 3,000 3,000 or more	None 1 per 4 guest rooms	C1-1	C2-1	C3	C4-1				
	Less than 10,000 10,000 or more	None 1 per 8 guest rooms	C1-2	C2-2		C4-2 C4-4				C8-1
	Less than 25,000 25,000 or more	None 1 per 12 guest rooms	C1-3	C2-3		C4-3 C4-5			C7	C8-2
(b) For that floor area used for places of assembly	When included as part of, or as accessory to a hotel, uses in parking requirement cat- egory D or E in Use Group 8, 9, 10, or 12 shall be provided with off-street parking spaces in accordance with the requirements set forth for such uses in this table.		C1	C2	C3	C4	C5	C6	C7	C8
Motels or tourist cabins	Any size	1 per guest room		C2				C6	C7	C8
Undertakers or funeral parlors	Any size	None		C2-4				C6		C8-3
	Less than 3,000 3,000 or more	None 1 per 200		C2-1						
	Less than 6,000 6,000 or more	None 1 per 400		C2-2						C8-1
	Less than 10,000 10,000 or more	None 1 per 600		C2-3					C7	C8-2
Boat rental establishments	Number of boat berths:									
	Fewer than 10 10 or more	None 1 per 2 boat berths			C3				C7	C8
Warehouses or trucking ter- minals or motor freight stations	Any size	None								C8-3
	Less than 10,000, or 15 employees 10,000, or 15 employ- ees, or more	None 1 per 2,000, or 1 per 3 employees, whichever will require a lesser number of spaces								C8-1 C8-2
Light manufactur- ing uses listed in Use Group 11A	Any size	None						C5	C6	C8-3
	Less than 7,500, or 15 employees 7,500, or 15 employ- ees, or more	None 1 per 1,000, or 1 per 3 employees, whichever will require a larger number of spaces								C8-1 C8-2

Underlined words in text are defined in Section 12-10.

Required Off-Street Parking Spaces
for Commercial or Community
Facility Uses
(continued)

Type of use	Size of establish- ment, in square feet of floor area unless otherwise specified	Parking spaces required, per number of square feet of floor area unless otherwise specified							
Community Facility Uses									
Hospitals ^{1/}	Any size	None	C1-4	C2-4		C4-6 C4-7	C5	C6	C8-3
	Less than 10,000 10,000 or more	None 1 per 500	C1-1	C2-1	C3	C4-1			
	Less than 10,000 10,000 or more	None 1 per 1,000	C1-2	C2-2		C4-2 C4-4			C8-1
	Less than 25,000 25,000 or more	None 1 per 2,000	C1-3	C2-3		C4-3 C4-5		C7	C8-2
Medical offices or group medical centers	Any size	None	C1-4	C2-4		C4-6 C4-7	C5	C6	C8-3
	Less than 3,000 3,000 or more	None 1 per 500	C1-1	C2-1	C3	C4-1			
	Less than 6,000 6,000 or more	None 1 per 1,000	C1-2	C2-2		C4-2 C4-4			C8-1
	Less than 15,000 15,000 or more	None 1 per 1,500	C1-3	C2-3		C4-3 C4-5		C7	C8-2
Churches, clubs, com- munity centers, or settlement houses; fraternal or philan- thropic institutions, except institutions for children or the aged, nursing homes or sanitariums; golf course club houses; health centers, lib- raries, museums, or non-commercial art galleries ^{2/} ; non- commercial recrea- tion centers; or wel- fare centers	Any size	None	C1-4	C2-4		C4-6 C4-7	C5	C6	C8-3
	Less than 3,000 3,000 or more	None 1 per 500	C1-1	C2-1	C3	C4-1			
	Less than 15,000 15,000 or more	None 1 per 1,000	C1-2	C2-2		C4-2 C4-4			C8-1
	Less than 50,000 50,000 or more	None 1 per 1,500	C1-3	C2-3		C4-3 C4-5		C7	C8-2
Institutions for children or the aged; monasteries or con- vents; nursing homes or sanitariums; or prisons	Any size	None	C1-4	C2-4		C4-6 C4-7	C5	C6	C8-3
	Less than 10,000 10,000 or more	None 1 per 1,000	C1-1	C2-1	C3	C4-1			
	Less than 25,000 25,000 or more	None 1 per 1,500	C1-2	C2-2		C4-2 C4-4			C8-1
	Less than 50,000 50,000 or more	None 1 per 2,500	C1-3	C2-3		C4-3 C4-5		C7	C8-2
Fraternity or sorority houses, including dormitories	Any size	None	C1-4	C2-4		C4-6 C4-7	C5	C6	
	Less than 5,000 5,000 or more	None 1 per 4 beds	C1-1	C2-1	C3	C4-1			
	Less than 15,000 15,000 or more	Nons 1 per 8 beds	C1-2	C2-2		C4-2 C4-4			
	Less than 25,000 25,000 or more	Nons 1 per 12 beds	C1-3	C2-3		C4-3 C4-5		C7	

^{1/} Requirements in this table are in addition to area utilized for ambulance parking.

^{2/} Requirements in this table apply only to the floor areas not used for storage.

Underlined words in text are defined in Section 12-10.

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3	C4-1				
C1-2	C2-2		C4-2 C4-4				C8-1
C1-3	C2-3		C4-3 C4-5			C7	C8-2
C1-4	C2-4		C4-6 C4-7	C5	C6		C8-3
C1-1	C2-1	C3					

Size of establishment, in square feet of floor area unless otherwise specified	Parking spaces required, per number of square feet of floor area unless otherwise specified
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Community Facility Uses, continued

Colleges, or univer-
sities

(a) Classrooms, laboratories, student centers, or offices

Any size	None
Less than 3,000	None
3,000 or more	1 per 500
Less than 15,000	None
15,000 or more	1 per 1,000
Less than 50,000	None
50,000 or more	1 per 2,000

(b) Theatres, auditoriums, gymnasiums, or stadiums

<u>Legal capacity:</u>	
Any number	None
Fewer than 300 persons	None
300 persons or more	1 per 4 persons
Fewer than 500 persons	None
500 persons or more	1 per 8 persons
Fewer than 1,000 persons	None
1,000 persons or more	1 per 12 persons

Agricultural uses,
including green-
houses, nurseries,
or truck gardens

<u>Square feet of lot area used for selling purposes:</u>	
Any size	None
Less than 3,000	None
3,000 or more	1 per 500
Less than 6,000	None
6,000 or more	1 per 1,000
Less than 25,000	None
25,000 or more	1 per 2,500

Outdoor skating rinks

<u>Square feet of lot area:</u>	
Any size	None
Less than 10,000	None
10,000 or more	1 per 500
Less than 20,000	None
20,000 or more	1 per 1,000
Less than 40,000	None
40,000 or more	1 per 2,000

Outdoor tennis courts

<u>Number of courts:</u>	
Any number	None
Fewer than 5 5 or more	None 1 per 2 courts
Fewer than 10 10 or more	None 1 per 2 courts
Fewer than 25 25 or more	None 1 per 5 courts

Underlined words in text are defined in Section 12-10.

35-31 General Provisions, continued

Section 35-32 (Required Spaces for New Residences in C1 or C2 Districts)

Section 35-33 (Required Spaces for New Residences in C3, C4, C5, C6, or C7 Districts)

Section 35-34 (Additional Parking Regulations Applying to Residences in Commercial Districts)

Section 35-35 (Special Provisions for a Single Zoning Lot with Usess Subject to Different Parking Requirements)

Section 35-36 (Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden)

After the effective date of this resolution, for all enlargements or conversions which increase the number of dwelling units in a building, the same requirements shall apply to the additional dwelling units created by such enlargements or conversions.

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	

35-32 Required Spaces for New Residences in C1 or C2 Districts

In the districts indicated, for new residences the number of required parking spaces is determined by the Residence District in which such Commercial District is mapped, in accordance with the following table.

Parking Spaces Required for New Residences
in C1 or C2 Districts

District within which C1 or C2 District is mapped	Required parking spaces as a percent of total dwelling units
R1, R2, R3, or R4	100
R5	85
R6	70
R7	60
R8	50
R9	40

C1	C2						
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35-33 Required Spaces for New Residences in C3, C4, C5, C6, or C7 Districts

In the districts indicated, for new residences the number of required parking spaces is set forth in the following table.

Parking Spaces Required for New Residences
in C3, C4, C5, C6, or C7 Districts
as a Percent of Total Dwelling
Units

100

85

70

60

40

C3 C4 C5 C6 C7

C3

C4-1

C7

C4-2

C4-3

C4-4

C4-5

C4-6

C6-1

C4-7

C5

C6-2

C6-3

35-34

Additional Parking Regulations Applying to Residences in Commercial Districts

In the districts indicated, all required off-street parking spaces provided for new residences in Commercial Districts shall also conform to the applicable parking regulations for Residence Districts set forth in the following Sections:

- Section 24-22 (Requirements Where Individual Parking Facilities are Provided)
- Section 24-24 (Modification of Requirements for Small Zoning Lots)
- Section 24-25 (Modification of Requirements for Public Housing)
- Section 24-26 (Waiver of Requirements for Five Spaces or Less)
- Section 24-28 (Special Provisions for Zoning Lots Divided by District Boundaries)
- Section 24-41 (Purpose of Spaces, and Rental to Non-Residents)

35-341 Additional Residence District parking regulations applying in C1 or C2 Districts

In the districts indicated, the applicable provisions of the Sections listed in Section 35-34 are those which apply to the Residence Districts within which such Commercial Districts are mapped.

35-342 Additional Residence District parking regulations applying in C3, C4, C5, C6, or C7 Districts

In the districts indicated, the applicable provisions of the Sections listed in Section 35-34 are those which apply to the Residence Districts set forth in the following table.

Applicable Residence District
Parking Regulations

R3

R5

R6

R7

R9

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	
C1	C2						
		C3	C4	C5	C6	C7	
		C3					
			C4-1			C7	
			C4-2				
			C4-3				
			C4-4				
			C4-5				
			C4-6		C6-1		
			C4-7	C5	C6-2		
					C6-3		
C1	C2	C3	C4	C5	C6	C7	C8

35-35

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

In all districts, as indicated, where any building or zoning lot contains two or more uses having different parking requirements as set forth in the following Sections, the parking requirements for each type of use shall apply to the extent of that use.

- Section 35-21 (General Provisions)
- Section 35-31 (General Provisions)
- Section 35-32 (Required Spaces for New Residences in C1 or C2 Districts)
- Section 35-33 (Required Spaces for New Residences in C3, C4, C5, C6, or C7 Districts)
- Section 35-34 (Additional Parking Regulations Applying to Residences in Commercial Districts)

Underlined words in text are defined in Section 12-10.

35-35 Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements, continued

However, the number of spaces required for uses in parking requirement category D (Small Places of Assembly) or in parking requirement category E (Large Places of Assembly) when in the same building or on the same zoning lot as any other use may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-51 (Reduction of Spaces for Uses on Same Zoning Lot).

35-36 Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden

In all districts, as indicated, the requirements set forth in the following Sections shall not apply to any building or zoning lot as to which the Department of Traffic has certified that there is no way to arrange the required spaces with access to the street to conform to the provisions of Section 35-53 (Location of Access to the Street):

Section 35-31 (General Provisions)

Section 35-32 (Required Spaces for New Residences in C1 or C2 Districts)

Section 35-33 (Required Spaces for New Residences in C3, C4, C5, C6 or C7 Districts)

Section 35-34 (Additional Parking Regulations Applying to Residences in Commercial Districts)

Section 35-35 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

35-40 RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES35-41 General Provisions

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, accessory to residences or to commercial or community facility uses shall be provided on the same zoning lot as the building or use to which such spaces are accessory, except as provided in the following Sections:

Section 35-42 (Off-Site Spaces for Residences)

Section 35-43 (Off-Site Spaces for Commercial or Community Facility Uses)

Section 35-44 (Joint Facilities)

Section 35-45 (Additional Regulations for Required Spaces When Provided Off Site)

35-42 Off-Site Spaces for Residences

In the districts indicated, all permitted or required off-street parking spaces accessory to residences may be provided on a zoning lot other than the same zoning lot as the residences to which such spaces are accessory, provided that in such instances all such spaces shall be not more than 600 feet from the nearest boundary of the zoning lot on which such residences are located.

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	

Off-Site Spaces for Commercial or Community Facility Uses

[illegible]

Joint Facilities

Additional Regulations for Required Spaces When Provided Off Site

In all districts, as indicated, such spaces shall conform to all applicable regulations of the district in which they are located.

35-46 Restriction on Use of Accessory Off-Street Parking Spaces

In all districts, as indicated, accessory off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used only during the business hours of, and substantially for the owners, occupants, employees, customers, or visitors of the use or uses to which such spaces are accessory. In addition, required spaces accessory to residences shall be subject to the provisions of Section 24-41 (Purpose of Spaces, and Rental to Non-Residents).

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3					

35-53 Location of Access to the Street, continued

Section 35-21 (General Provisions)

Section 35-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

Section 35-31 (General Provisions)

Section 35-32 (Required Spaces for New Residences in C1 or C2 Districts)

Section 35-33 (Required Spaces for New Residences in C3, C4, C5, C6, or C7 Districts)

Section 35-34 (Additional Parking Regulations Applying to Residences in Commercial Districts)

Section 35-35 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

35-54 Surfacing

In all districts, as indicated, all open accessory off-street parking spaces or permitted commercial parking lots shall be surfaced with asphaltic or portland cement concrete, or other hard-surfaced dustless material, at least four inches thick.

35-55 Screening

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on zoning lots adjacent to the boundary of a Residence District, either at natural grade or on a roof, shall be screened from all adjoining zoning lots in Residence Districts, including such zoning lots situated across a street, by either:

(a) A strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or

(b) An opaque wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof).

In addition, such screening:

(a) Shall be maintained in good condition at all times

(b) May be interrupted by normal entrances or exits, and

(c) Shall have no signs hung or attached thereto other than those permitted in Section 32-62 (Permitted Accessory Business Signs) or Section 32-64 (Permitted Advertising Signs).

35-56 Location of Access Near Schools, Parks, or Playgrounds

In all districts, as indicated, vehicular entrances or exits for all permitted or required accessory off-street parking areas with more than five spaces shall not be located within 300 feet of any exit or entrance for a school (except trade schools for adults), any playground accessory thereto, or any public park or public playground of one-half acre or more, provided that the provisions of this Section shall not apply:

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8

Underlined words in text are defined in Section 12-10.

35-56 Location of Access Near Schools, Parks, or Playgrounds,
continued

- (a) To a zoning lot which has no access to street frontages unaffected by this restriction, or
- (b) To a zoning lot which has access to street frontages unaffected by this restriction, if the Zoning Administrator determines that there is no practical possibility of designing the off-street parking area without locating entrances or exits within the restricted areas.

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8

OFF-STREET LOADING REGULATIONS

35-60 GENERAL PURPOSES

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in commercial areas within the City, and thus to promote and protect the public health, safety, convenience, prosperity, and other aspects of the general welfare.

35-61 Permitted Accessory Off-Street Loading Berths

In all districts, as indicated, accessory off-street loading berths, open or enclosed, may be provided for all permitted uses, under rules and regulations promulgated by the Zoning Administrator, and subject to the provisions of Section 35-682 (Location of accessory berths), Section 35-683 (Restrictions on location of berths near Residence Districts), Section 35-684 (Surfacing), Section 35-685 (Screening), and Section 35-686 (Location of access near schools, parks, or playgrounds).

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8

35-62 Required Accessory Off-Street Loading Berths

In all districts, as indicated, accessory off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table at the end of this Section and under rules and regulations promulgated by the Zoning Administrator, for all new development after the effective date of this resolution for the uses listed in the table, except as otherwise provided in Section 35-63 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements) or Section 35-64 (Wholesale, Manufacturing, or Storage Uses Combined with Other Uses), as a condition precedent to the use of such development. For the purposes of this Section, a group of such uses constructed on a tract of land under single ownership or control shall be considered a single zoning lot.

Whenever any use specified in the table is located on an open lot, the requirements set forth in the table for floor area shall apply to the lot area used for such use.

After the effective date of the resolution, if the use of any building or other structure or zoning lot is changed or enlarged, the requirements set forth in the table shall apply to the floor area of the changed or enlarged portion of such building or of the lot area used for such use.

C1	C2	C3	C4	C5	C6	C7	C8
----	----	----	----	----	----	----	----

Required Off-Street Loading Berths for New Construction, Enlargements, or Changes of Use			C1	C2	C3	C4	C5	C6	C7	C8
Type of use	For floor area (in square feet)	Required berths								
Hospitals ^{1/}	First 10,000	None								
	Next 290,000	1	C1	C2	C3	C4	C5	C6	C7	C8
	Each additional 300,000 or fraction thereof	1								
Undertakers or funeral parlors	First 2,500	None								
	Next 2,500	1	C1	C2	C3	C4	C5	C6	C7	C8
	Each additional 10,000 or fraction thereof	1								
Hotels or offices	First 25,000	None	C1	C2						
			Mapped within							
	Next 75,000	1								
	Next 200,000	1	R1 R2 R3 R4 R5	R1 R2 R3 R4 R5	C3	C4-1 C4-2 C4-3			C7	C8-1 C8-2
	Each additional 300,000 or fraction thereof	1								
	First 100,000	None	C1	C2						
			Mapped within							
	Next 200,000	1								
Commercial uses	First 8,000	None	C1	C2						
			Mapped within							
	Next 17,000	1								
	Next 15,000	1								
	Next 20,000	1	R1 R2 R3 R4 R5	R1 R2 R3 R4 R5	C3	C4-1 C4-2 C4-3			C7	C8-1 C8-2
	Next 40,000	1								
	Each additional 150,000 or fraction thereof	1								
	First 25,000	None	C1	C2						
			Mapped within							
	Next 15,000	1								
Service, wholesale, manufacturing, or storage uses	Next 60,000	1	R6 R7 R8 R9	R6 R7 R8 R9		C4-4 C4-5 C4-6 C4-7	C5	C6		C8-3
	Each additional 150,000 or fraction thereof	1								
	First 8,000	None								
	Next 17,000	1								
	Next 15,000	1								
	Next 20,000	1				C4-1 C4-2 C4-3			C7	C8-1 C8-2
	Next 20,000	1								
	Each additional 80,000 or fraction thereof	1								
	First 15,000	None								
	Next 25,000	1								
All service, wholesale, or storage uses listed in Use Group 10B, 11B, or 16C	Next 40,000	1				C4-4 C4-5 C4-6 C4-7		C6		C8-3
	Each additional 80,000 or fraction thereof	1								
	First 15,000	None								
	Next 25,000	1								
All manufacturing uses listed in Use Group 11A	Next 40,000	1								
	Each additional 80,000 or fraction thereof	1								
	First 15,000	None								
	Next 25,000	1								

^{1/} Requirements in this table are in addition to area utilized for ambulance parking.

35-63 Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements

In all districts, as indicated, if any building or zoning lot contains two or more uses having different requirements for loading berths as set forth in Section 35-62 (Required Accessory Off-Street Loading Berths), and if

(a) The floor area of each separate use is less than the minimum floor area for which berths are required, and

(b) The total floor area of all the uses for which berths are required is greater than the smallest amount of floor area for which berths are required for any of the uses individually,

off-street loading berths shall be provided as if the total floor area of the uses for which berths are required were used for that use for which the most berths are required.

35-64 Wholesale, Manufacturing, or Storage Uses Combined with Other Uses

In all districts, as indicated, except as provided in Section 35-63 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements), if any building or zoning lot is used partly for wholesals, manufacturing, or storage uses or any combination of such uses, and partly for any other uses set forth in the table in Section 35-62 (Required Accessory Off-Street Loading Berths) at least 50 percent of the floor area in the building shall be subject to the requirements set forth for wholesale, manufacturing, or storage uses, and the remainder shall be subject to the other applicable requirements.

35-65 Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

In all districts, as indicated, the requirements set forth in the following Sections shall not apply to any building or zoning lot as to which the Department of Traffic has certified that there is no way to arrange the required berths with access to the street to conform to the provisions of Section 35-682 (Location of accessory berths):

Section 35-62 (Required Accessory Off-Street Loading Berths)

Section 35-63 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements)

Section 35-64 (Wholesale, Manufacturing or Storage Uses Combined with Other Uses)

35-66 Special Provisions for Zoning Lots Divided by District Boundaries

In all districts, as indicated, if a zoning lot is divided by a boundary between Commercial Districts having different requirements for accessory off-street loading berths, the requirements of that district in which the greater proportion of the lot area of such zoning lot is located shall apply. However, the berths may be located without regard to district boundaries, provided that such spaces shall conform to all other applicable regulations for the district in which they are located.

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8

35-67

(a) The number of berths in such joint facilities shall be not less than that required for the total combined floor area of such buildings or zoning lots as set forth in Section 35-62 (Required Accessory Off-Street Loading Berths), Section 35-63 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements), or Section 35-64 (Wholesale, Manufacturing or Storage Uses Combined with Other Uses), and

(c) The adequacy and layout of such joint facilities are approved by the Zoning Administrator.

35-68

DISTRICTS							
c1	c2	c3	c4	c5	c6	c7	c8
c1	c2	c3	c4	c5	c6	c7	c8
c1	c2	c3	c4	c5	c6	c7	c8
c1	c2	c3	c4	c5	c6	c7	c8
c1	c2	c3	c4	c5	c6	c7	c8
c1	c2	c3	c4	c5	c6	c7	c8

35-681

Minimum Dimensions for Required Accessory
Off-Street Loading Berths
(in feet)

	<u>Length</u>	<u>Width</u>	<u>Height</u>
Hospitals	33	12	12
Undertakers or funeral parlors	25	10	8
Hotels or offices	33	12	12
Commercial uses ^{1/}	33	12	14
Wholesale, manufacturing or storage uses ^{1/}			
With less than 10,000 square feet of <u>floor</u> <u>area</u>	33	12	14
With 10,000 square feet of floor area or more	50	12	14

35-682

The requirements for accessory off-street loading berths set forth in Section 35-62 (Required Accessory Off-Street Loading Berths) shall not apply to any building or zoning lot as to which the Department of Traffic has certified that there is no way to arrange the required berths to conform to the provisions of this Section.

Underlined words in text are defined in Section 12-10.

35-683 Restrictions on location of berths near
Residence Districts

In all districts, as indicated, where accessory off-street loading berths are located within 60 feet of a Residence District boundary, such berths shall be enclosed within a building, and no entrance to or exit from the berths on to the street shall be less than 30 feet from the district boundary.

35-684 Surfacing

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

35-685 Screening

In all districts, as indicated, all permitted or required open off-street loading berths which are located on zoning lots adjacent to the boundary of a Residence District shall be screened from all adjoining zoning lots in Residence Districts, including zoning lots situated across a street, by either:

- (a) A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or
- (b) An opaque wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade.

In addition, such screening:

- (a) Shall be maintained in good condition at all times
- (b) May be interrupted by normal entrances and exits, and
- (c) Shall have no signs hung or attached thereto other than those permitted in Section 32-62 (Permitted Accessory Business Signs) or Section 32-64 (Permitted Advertising Signs).

35-686 Location of access near schools, parks or
playgrounds

In all districts, as indicated, vehicular entrances or exits for all permitted or required accessory off-street loading berths shall not be located within 300 feet of any exit or entrance for a school (except trade schools for adults), any playground accessory thereto, or any public park or public playground of one-half acre or more, provided that the provisions of this Section shall not apply:

- (a) To a zoning lot which has no access to street frontages unaffected by this restriction, or
- (b) To a zoning lot which has access to street frontages unaffected by this restriction, if the Zoning Administrator determines that there is no practical possibility of designing the off-street loading berths without locating entrances or exits within the restricted areas.

DISTRICTS							
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8
C1	C2	C3	C4	C5	C6	C7	C8

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter I Statement of Legislative Intent

41-00 GENERAL PURPOSES OF MANUFACTURING DISTRICTS

The Manufacturing Districts established in this resolution are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

- (a) To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related floor area, with due allowance for the need for a choice of sites.
- (b) To provide, so far as possible, that such space will be available for use for manufacturing and related activities, and to protect residences by separating them from manufacturing activities and by prohibiting the use of such space for new residential development.
- (c) To encourage manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this resolution restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- (d) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of manufacturing and related activities, by restricting those manufacturing activities which involve danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, or create offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, to those limited areas which are appropriate therefor.
- (e) To protect manufacturing and related development against congestion, so far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by providing space off public streets for parking and loading facilities associated with such activities.
- (f) To promote the most desirable use of land in accordance with a well-considered plan, to promote stability of manufacturing and related development, to strengthen the economic base of the City, to protect the character and established pattern of desirable development in each area, to conserve the value of land and buildings and other structures, and to protect the City's tax revenues.

41-10 PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

41-11 M1 Light Manufacturing Districts (High Performance)

These districts are designed for a wide range of manufacturing and related uses which can conform to a high level of performance standards. Manufacturing establishments of this type, within completely enclosed buildings, provide a buffer between Residence (or Commercial) Districts and other industrial uses which involve more objectionable influences. New residential development is excluded from these districts, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development.

41-12 M2 Medium Manufacturing Districts (Medium Performance)

These districts are designed for manufacturing and related activities which can meet a medium level of performance standards. Enclosure of such activities is not normally required except in areas along the boundary of a Residence District. No new residences or community facilities are permitted.

41-13 M3 Heavy Manufacturing Districts (Low Performance)

These districts are designed to accommodate the essential heavy industrial uses which involve more objectionable influences and hazards, and which, therefore, cannot reasonably be expected to conform to those performance standards which are appropriate for most other types of industrial development. No new residences are permitted.

Explanation of Manufacturing Use Regulations

Proposed Manufacturing Districts

Three Manufacturing Districts -- M1, M2, and M3 -- are proposed. The M1 District is designed to accommodate uses with little or no nuisance characteristics -- uses typified by modern, well-designed single-story "ranch-type" plants which are attractive in appearance, quiet in operation, and good neighbors to residential and business areas. The M3 District, at the other extreme, is the traditional heavy industrial district designed to accommodate chemical plants and similar operations having considerable nuisance characteristics. The M2 District is an intermediate district designed for uses more objectionable than M1 but not so objectionable as M3.



Attractive offices and employee lunch room give eye appeal to approach to nuisance-free industry. New plant designed by Ulrich Franzen, A.I.A., for Barkin, Levin & Co., Inc., manufacturers of women's coats. Long Island City, Queens.

Uses Permitted as of Right (Section 42-10)

This Section, together with Section 42-20 dealing with industrial performance standards, constitutes the primary use regulations for the Manufacturing Districts. The industrial uses permitted in Manufacturing Districts are classified into two Use Groups on the basis of their nuisance-producing characteristics. Each Use Group, with its preamble and the list of uses comprising it, is accompanied by a chart showing the districts in which it is permitted. Use Group 17 consists of a wide range of general manufacturing and related industrial activities which, with reasonable attention to the control of objectionable influences, may qualify for location in the M1 or M2 Districts. Use Group 18 consists of uses which either involve considerable danger or hazard or create appreciable noise, odor, or other objectionable influences. These uses will generally locate in M3 Districts. However, in some cases such industries which are willing to install the necessary control equipment can qualify for location in the M1 or M2 Districts. In all cases, even though an industry is listed as a permitted use in one of the three Manufacturing Districts, the performance standard of the district must also be met.

Residential uses of all kinds (Use Groups 1 and 2) are excluded from all Manufacturing Districts to protect residences from industrial traffic and all other objectionable influences, as well as to prevent spotty residential development from breaking up large tracts or otherwise pre-empting land better suited for industrial use.

Commercial uses listed in Use Groups 6 through 16 are permitted in all Manufacturing Districts, except that commercial amusement park uses (Use Group 15) are excluded from the M1 District.

Industrial Performance Standard (Section 42-20)

Industries have traditionally been segregated into zoning districts on the basis of the "use list", which lists industries according to product or process and assigns them to "light" or "heavy" districts on the basis of their supposed nuisance characteristics. This zoning technique used without direct limits on objectionable influences has a number of major drawbacks:

- 1) Uses or processes having the same name or description frequently show a wide variation in the creation of nuisances. Even a superficial study of industrial activities in the City of New York will yield numerous examples of so-called "heavy" industries performing better than their "light" industrial neighbors. It is, therefore, unfair to confine all manufacturers of machinery, or of any given product, to one zone since one plant may perform much better than another.
- 2) With technological improvements, the correlation between the product manufactured and the nuisance created is frequently very poor.
- 3) The continuing rise of new industries and of new products within existing industries tend to make obsolete any list of uses.
- 4) Without any standard for judging performance, much controversy has frequently arisen over the determination of what is an "objectionable" or "excessive" amount of noise, smoke, or other nuisances, leading to decisions which are frequently arbitrary and unjust.

The application of this zoning technique has had five primary results:

- 1) Industries with no objectionable influences have been denied admission to optimum sites in a "light" district because they manufactured "medium" or "heavy" products. This malfunctioning of zoning justice is highlighted because of the shortage of industrial land in many parts of New York.
- 2) Residential neighborhoods do not receive adequate protection since an industry listed as a permitted use in a given district may perform as poorly as it pleases, virtually without restriction on noise, vibration, or other nuisances or hazards.
- 3) Industries, in spite of a strong trend to seek areas free of objectionable noise, vibration and other objectionable influences, are given little or no protection from bad industrial neighbors.
- 4) A non-noxious industry which is not a permitted use in the "light" industrial district in which it may be located, is unfairly labeled as a non-conforming use and subjected to all of the restrictions placed upon non-conforming use.
- 5) With no assurance of adequate protection for adjacent residential areas from potential industrial nuisances, city officials (as well as the public) are frequently reluctant to rezone land adjacent to residential districts for industrial use even though the land might better be used by industry. This condition seriously hampers attempts to enlarge the supply of large open tracts suitable for industrial development by rezoning either predominantly vacant sites in outlying parts of the City or inflying areas suitable for industrial redevelopment.

Within the previous eight years, national attention

has been focused on the need for re-evaluating industrial zoning regulations. In 1950 the National Industrial Zoning Committee was created by six national planning, engineering, real estate, and railroad development organizations to study the problem. The group directed attention to the need for better methods of industrial zoning based on modern industrial processes.

In the intervening period, over a dozen large cities or counties, including Chicago and Denver, have adopted industrial performance standards as a better method of guiding industrial location through zoning. Industrial performance standards consist of scientific yardsticks for measuring industrial nuisances and of standards which define precisely the points on the yardstick at which the various nuisance characteristics such as noise and odor become objectionable.

Such a method has been devised for New York's proposed zoning resolution to supplement the use lists contained in Use Groups 17 and 18. The proposed performance standards are based on the analysis of data collected by various City departments on the levels of noise, air pollution, and other types of nuisances in the various parts of the City as well as by measurements made expressly for this project.

A first job was the delimiting of the types of industrial nuisances which need to be controlled. After careful study it was determined that performance standards were needed to control eight types of nuisances. The proposed performance standards, as contained in Sections 42-20 to 42-28, inclusive, control and limit the creation of the following types of nuisances:

- 1) Noise
- 2) Vibration
- 3) Smoke, dust, and other types of particulate matter
- 4) Odor
- 5) Toxic and noxious matter
- 6) Radiation hazards
- 7) Fire and explosive hazards
- 8) Heat, humidity, and glare

The performance standards have been designed to complement the manufacturing Use Groups and achieve the desired characteristics of the three Manufacturing Districts. The M1 Districts have the most exacting standards, while the M3 Districts have the lowest standards. The uses listed in Use Groups 17 and 18 are permitted in the various Manufacturing Districts if they meet the performance standards of these districts. The industries listed in Use Group 17 can generally comply with the performance standards of the M1 and M2 Districts with little difficulty. Although most of the uses in Use Group 18 will normally locate in M3 Districts, some of the uses which are willing to install the necessary sound-proofing, dust collectors, or other equipment will be able to qualify for location in the M2, and in some cases, in the M1 Districts.

The advantages of industrial performance standards for the City of New York may be summarized briefly as follows:

- 1) A better method is provided for guiding industrial location through zoning, in that industry can be given greater freedom in location, at the same time that adjacent residential and commercial areas are given better protection from industrial nuisances.
- 2) Industries can locate in a given district with confidence that they will not be subjected to excessive noise, vibration, and other possible nuisances from new industrial neighbors.

- 3) The long-term result of the application of performance standards will be industrial areas with a high standard of performance which will be in a better competitive position to retain existing industries and attract new ones.
- 4) The City can add to its supply of industrial land, when needed, with confidence that increased industrialization will not appreciably reduce the amenities of adjacent areas.
- 5) A number of zoning administrative procedures will be improved, including the handling of new uses, changes of existing uses, and non-conforming uses.



Typical example of proposed M3 District. Newtown Creek section. Brooklyn and Queens.

Uses Permitted by Special Permit (Section 42-30)

In addition to the uses which are permitted to locate in a given district because they are listed on a list of permitted uses and comply with the district's performance standards, a brief list of uses is contained in Section 42-30 which may only locate in various Manufacturing Districts after having been granted a special permit by either the Board of Standards and Appeals or the City Planning Commission. These uses are characterized by special problems, including the creation of appreciable traffic and other objectionable influences, and require careful screening by an appropriate administrative body. When the location of such uses involves no primary planning considerations such as traffic, the special permits are granted by the Board of Standards and Appeals. Radio and television towers are examples of such uses. However, permits for such uses as racetracks and airports, which have an impact on a wide area because of the generation of large volumes of traffic or other similar problems, are proposed to be administered by the City Planning Commission. In most instances the grant of a permit is dependent on special findings of the administrative body as to the appropriateness of the use when evaluated against the criteria stated in Chapters 3 and 4 of Article VII.

Supplementary Use Regulations (Section 42-40)

Section 42-40 consists of an important restriction on industries located in M1 Districts. All processing and related activities must be located within completely enclosed buildings, except for storage, off-street parking and loading, and certain uses specifically exempted in the use listings. Since M1 Districts are generally adjacent to Residence Districts, this requirement is important to insure the proper control of noise, odors, and other objectionable influences.

Special Regulations Applying along District Boundaries (Section 42-50)

The regulations contained in Section 42-50 are designed to increase the compatibility between adjoining

Manufacturing and Residence Districts. These regulations are concerned with two primary problems: 1) the enclosure or screening of industrial processing as well as storage, and 2) the location of business entrances, show windows, and signs.

Where an M1 District abuts a Residence District, no open storage of materials or products is permitted for the first 200 feet of depth of the M1 District. Similarly, when an M2 or M3 District abuts a Residence District, all processing within 300 feet of the district boundary must be enclosed. In addition, within 200 feet of such district boundary, the storage of materials or products must be effectively screened by a solid wall or fence. Additional regulations govern the location of business entrances, show windows, and signs as related to Residence District boundaries, in

order to lessen their impact on adjoining residential areas.

Sign Regulations (Section 42-cc)

In Manufacturing Districts, signs are permitted without restriction except in the following special situations along Manufacturing District boundaries. Limits are placed on the size of signs within 250 feet of a boundary of a Residence District and on the size and height of illuminated signs within 1,000 feet of a Residence, Local Retail, or Local Service District. In addition, present regulations prohibiting signs within 200 feet of and visible from a public park or arterial highway are incorporated in the proposed resolution.

Chapter 2 Use Regulations

42-00

GENERAL PROVISIONS

In order to carry out the purposes and provisions of this resolution, the uses of buildings or other structures and of tracts of land have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group. Use Groups 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, or 18, including each use listed separately therein, are permitted in Manufacturing Districts as indicated in Sections 42-11 to 42-16, inclusive.

Uses listed in Use Groups 11A, 16A, 16B, 16D, 16E, 16G, 17, or 18 must also comply with the applicable performance standards set forth in Sections 42-21 through 42-28, inclusive. In case of any conflict between the Use Group and the performance standards, the latter shall control. Uses listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such uses comply with all of the applicable performance standards for such districts.

The following chart sets forth the Use Groups permitted in the various Manufacturing Districts.

USE GROUPS PERMITTED IN MANUFACTURING DISTRICTS

DISTRICTS		USE GROUPS															
		COMMUNITY FACILITIES		RETAIL AND COMMERCIAL							RECREATION				GEN. SERVICE	MANUFACTURING	
		3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
LIGHT MANUFACTURING	M1																
MEDIUM MANUFACTURING	M2																
HEAVY MANUFACTURING	M3																

Whenever a use is specifically listed in a Use Group and also could be construed to be incorporated within a more inclusive use listing, either in the same or another Use Group, the more specific listing shall control. The letters A, B, C, D, E, F, or G in the column entitled Parking Requirement Category following a use listed in Sections 32-13 to 32-24, inclusive, refer to the classification of commercial uses to determine required accessory off-street parking spaces as set forth in the table in Section 44-31 (General Provisions).

The uses listed in the various Use Groups set forth in Sections 42-11 to 42-16, inclusive, are also listed in alphabetical order in the Index at the end of this resolution, for the convenience of those using the resolution. Whenever there is any difference in meaning or implication between the text of these Use Groups and the text of the Index, the text of these Use Groups shall prevail.

42-10

USES PERMITTED AS OF RIGHT

DISTRICTS		
M1	M2	M3
M1		
M1	M2	M3
	M2	M3

42-11 Use Group 4

Use Group 4, as set forth in Section 22-14.

42-12 Use Groups 6, 7, 8, 9, 10, 11, 12, 13, 14, and 16

Use Groups 6, 7, 8, 9, 10, 11, 12, 13, 14, and 16, as set forth in Sections 32-13 to 32-22, inclusive, and Section 32-24.

42-13 Use Group 15

Use Group 15, as set forth in Section 32-23.

Underlined words in text are defined in Section 12-10.

Use Group 17 consists primarily of manufacturing uses which:

- A. SERVICE OR WHOLESALE ESTABLISHMENTS

B. MANUFACTURING ESTABLISHMENTS

Underlined words in text are defined in Section 12-10.

DISTRICTS		
M1	M2	M3
M1	M2	M3

42-14 Use Group 17, continued

Pharmaceutical products
Plastic products, including tableware, phonograph records, buttons, or similar products
Poultry or rabbit packing or slaughtering
Printing or newspaper publishing, including engraving or photo-engraving, with no limitation on floor area per establishment
Rubber products, excluding all rubber or synthetic processing, such as washers, gloves, footwear, bathing caps, atomizers, or similar products
Scenery construction
Shoddy
Silverware, plate or sterling
Soap or detergents, packaging only
Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, racquets, rods, or similar products
Statuary, mannequins, figurines, or religious or church art goods, excluding foundry operations
Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products
Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yard, thread, or cordage
Tobacco, including curing, or tobacco products
Tools or hardware, including bolts, nuts, screws, doorknobs, drills, hand tools or cutlery, hinges, house hardware, locks, non-ferrous metal castings, plumbing appliances, or similar products
Toys
Umbrellas
Upholstering, bulk, excluding upholstering shops dealing directly with consumers
Vehicles, children's, including bicycles, scooters, wagons, baby carriages, or similar vehicles
Venetian blinds, window shades, or awnings, with no limitation on production or on floor area per establishment
Wax products
Wood products, including furniture; boxes, crates, baskets, pencils, cooperage works, or similar products

C. MISCELLANEOUS USES

Agriculture, including greenhouses, nurseries, or truck gardens
Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations
Trucking terminals or motor freight stations with no limitation on lot area per establishment
Waterfront shipping

D. ACCESSORY USES

42-15 Use Group 18

Use Group 18 consists primarily of industrial uses which:

- (1) Either involve considerable danger of fire, explosion or other hazards to public health or safety, or cannot be designed without appreciable expense to conform to high performance standards with respect to the emission of objectionable influences, and
- (2) Normally generate a great deal of traffic, both pedestrian and freight

A. MANUFACTURING ESTABLISHMENTS

- Asphalt or asphalt products
- Beverages, alcoholic, or breweries
- Brick, tile, or clay
- Cement
- Charcoal, lampblack, or fuel briquettes
- Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, rayon yarns, or hydrochloric, picric, or sulphuric acids or derivatives
- Coal, coke, or tar products, including gas
- Electric power and steam generating plants
- Excelsior or packing materials
- Fertilizers

DISTRICTS		
M1	M2	M3
M1	M2	M3
		M3

Underlined words in text are defined in Section 12-10.

42-15 Use Group 18, continued

DISTRICTS		
M1	M2	M3
		M3

Foundries, ferrous or non-ferrous
 Gelatin, glue, or size
 Glass or large glass products, including structural or plate glass or similar products
 Grain, milling or processing
 Graphite, or graphite products
 Gypsum
 Hair, felt, or feathers, bulk processing, washing, curing, or dyeing
 Film, photographic
 Incineration or reduction of garbage, offal, or dead animals
 Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds
 Leather or fur tanning, curing, finishing, or dyeing
 Linoleum or oil cloth
 Machinery, heavy, including electrical, construction, mining or agricultural, including repairs
 Matches
 Meat or fish products, including slaughtering of meat or preparation of fish for packing
 Metal or metal ores, reduction, refining, smelting, or alloying
 Metal alloys or foil, miscellaneous, including solder, pewter, brass, bronze, or tin, lead or gold foil, or similar products
 Metal or metal products, treatment or processing, including enameling, japanning, lacquering, galvanizing, or similar processes
 Metal casting or foundry products, heavy, including ornamental iron work, or similar products
 Monument works, with no limitation on processing
 Paint, varnishes or turpentine
 Petroleum or petroleum products, refining, including gasoline or other petroleum products with a closed cup flash point of less than 105° F.
 Plastic, raw
 Porcelain products, including bathroom or kitchen equipment, or similar products
 Radioactive waste handling
 Railroad equipment, including railroad cars or locomotives
 Rubber, natural or synthetic, including tires, tubes, or similar products
 Sewage disposal plants
 Ship building or ship repair yards, for ships 100 feet in length or over
 Soaps or detergents, including fat rendering
 Steel, structural products, including bars, girders, rails, wire rope, or similar products
 Solvent extracting
 Stock yards or slaughtering of animals or poultry
 Stone processing or stone products, including abrasives, asbestos, stone screening, stone cutting, stone works, sand or lime products, or similar processes or products
 Sugar refining
 Textile bleaching
 Wood or bones distillation
 Wood or lumber processing, including sawmills or planing mills, excelsior, plywood, or veneer, wood-preserving treatment, or similar products or processes
 Wood pulp or fiber, reduction or processing, including paper mill operations
 Wool scouring or pulling

B. STORAGE, OPEN OR ENCLOSED

Coal or gas
 Dumps, marine transfer stations for garbage, or slag piles
 Explosives, when not prohibited by other ordinances
 Grain
 Junk or salvage, including auto wrecking, or similar establishments
 Lumber yards, with no limitation on lot area per establishment
 Manure, peat, or topsoil
 Petroleum or petroleum products with a closed cup flash point of less than 105° F.
 Refrigerating plants
 Scrap metal, paper, or rags

C. ACCESSORY USES

42-20

PERFORMANCE STANDARDS

In all Manufacturing Districts, after the effective date of this resolution, any use thereafter established or changed to a use listed in Use Group 11A, 16A, 16B, 16D, 16E, 16G, 17, or 18, and every building or other structure or tract of land thereafter developed, constructed, or used for any use listed in Use Group 11A, 16A, 16B, 16D, 16E, 16G, 17, or 18, shall comply with each and every performance standard governing noise, vibration, smoke and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, humidity, heat, or glare applicable to the district in which such use, building or other structure, or tract of land is located.

If any existing use or building or other structure is extended, enlarged or reconstructed after the effective date of this resolution, the applicable district regulations for each and every performance standard shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or building or other structure.

In case of any conflict between the Use Groups and the performance standards, the latter shall control. Uses listed in Use Group 18 are permitted in M1 or M2 Districts (as well as M3 Districts) if such uses comply with all of the applicable performance standards for such districts.

42-21 Performance Standards Regulating Noise42-211 Definitions

For the purposes of this Section, the following terms are defined:

DECIBEL

A "decibel" is a unit of measurement of the intensity of sound (the sound pressure level).

SOUND LEVEL METER

A "sound level meter" is an instrument standardized by the American Standards Association, which is used for measurement of the intensity of sound and is calibrated in decibels.

OCTAVE BAND

An "octave band" is a means of dividing the range of sound frequencies into octaves, in order to classify sound according to pitch.

OCTAVE BAND FILTER

An "octave band filter" is an instrument standardized by the American Standards Association, which is used in conjunction with a sound level meter to take measurements in specific octave bands.

42-212 Method of measurement

For the purpose of measuring the intensity and frequencies of sound, sound level meters and octave band filters shall be employed.

42-213 Maximum permitted decibel levels

In all Manufacturing Districts, the sound pressure level resulting from any activity, whether open or enclosed, shall not exceed, at any point on or beyond any lot line, the maximum permitted decibel levels for the designated octave band as set forth in the following table for the district indicated.

In the enforcement of this regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel levels.

Underlined words in text are defined in Section 12-10, except technical terms applicable to performance standards only, which are defined in the appropriate Sections of this Chapter.

42-213 Maximum permitted decibel levels, continuedMaximum Permitted Sound Pressure Level
(in decibels)

Octave band (cycles per second)	District		
	M1	M2	M3
0 to 75	79	79	80
75 to 150	74	75	75
150 to 300	66	68	70
300 to 600	59	62	64
600 to 1,200	53	56	58
1,200 to 2,400	47	51	53
2,400 to 4,800	41	47	49
above 4,800	39	44	46

42-214 Special provisions applying along district boundaries

Whenever a Manufacturing District adjoins a Residence District, at any point at the district boundary or within the Residence District, the maximum permitted decibel levels in all octave bands shall be reduced by six decibels from the maximum levels set forth in the table in Section 42-213 (Maximum permitted decibel levels).

42-22 Performance Standards Regulating Vibration42-221 Definitions

For the purposes of this Section, the following terms are defined:

STEADY STATE VIBRATIONS

"Steady state vibrations" are earth-borne oscillations occurring with a pause of 30 seconds or less between impulses.

IMPACT VIBRATIONS

"Impact vibrations" are earth-borne oscillations occurring with a pause of more than 30 seconds between impulses.

FREQUENCY

A "frequency" is the number of oscillations per second of a vibration or sound.

THREE-COMPONENT MEASURING SYSTEM

A "three-component measuring system" is a device for recording the intensity of any vibration in three mutually perpendicular directions.

42-222 Method of measurement

For the purpose of measuring vibration, a three-component measuring system approved by the Zoning Administrator shall be employed.

42-223 Maximum permitted steady state vibration displacement

In all Manufacturing Districts, no activity shall cause or create a steady state vibration at any point on any lot line, with a displacement in excess of the permitted steady state vibration displacement for the frequencies as set forth in the following table for the district indicated.

Underlined words in text are defined in Section 42-10, except technical terms applicable to performance standards only, which are defined in the appropriate Sections of this Chapter.

42-223 Maximum permitted steady state vibration displacement, continuedMaximum Permitted Steady State
Vibration Displacement
(in inches)

Frequency (cycles per second)	District		
	M1	M2	M3
10 and below	.0005	.0010	.0022
10 - 20	.0004	.0008	.0016
20 - 30	.0003	.0005	.0010
30 - 40	.0002	.0004	.0006
40 - 50	.0001	.0003	.0005
50 - 60	.0001	.0002	.0004
60 and over	.0001	.0001	.0004

42-224 Maximum permitted impact vibration displacement

In all Manufacturing Districts, no activity shall cause or create an impact vibration, at any point on any lot line, with a displacement in excess of the permitted impact vibration displacement for the frequencies as set forth in the following table for the district indicated.

Maximum Permitted Impact
Vibration Displacement
(in inches)

Frequency (cycles per second)	District		
	M1	M2	M3
10 and below	.0010	.0020	.0044
10 - 20	.0008	.0016	.0032
20 - 30	.0006	.0010	.0020
30 - 40	.0004	.0008	.0012
40 - 50	.0002	.0006	.0010
50 - 60	.0002	.0004	.0008
60 and over	.0002	.0002	.0008

42-225 Special provisions applying along district boundaries

Whenever an M2 or M3 District adjoins a Residence District, a Commercial District or an M1 District, the steady state and impact vibration displacement, measured at the district boundary, shall not exceed the maximum permitted for the M1 District for the frequencies as set forth in the tables in Section 42-223 (Maximum permitted steady state vibration displacement) and Section 42-224 (Maximum permitted impact vibration displacement).

42-23 Performance Standards Regulating Smoke and Other Particulate Matter42-231 Definitions

For the purposes of this Section, the following terms are defined:

PARTICULATE MATTER

"Particulate matter" is material, including smoke, discharged into or suspended in the atmosphere in finely divided form so as to be in liquid or solid form at atmospheric pressure and temperature.

Underlined words in text are defined in Section 12-10, except technical terms applicable to performance standards only, which are defined in the appropriate Sections of this Chapter.

42-231 Definitions, continuedRINGELMANN CHART

A "Ringelmann chart" is a chart published by the U.S. Bureau of Mines (Information Circular 6888) and used by the U.S. Bureau of Mines and the New York City Department of Air Pollution Control, which shows graduated shades of grey for use in estimating the light-obscuring capacity of smoke.

RINGELMANN NUMBERS

"Ringelmann numbers" are the numbers of areas on the Ringelmann Chart that coincide most nearly with gradations of light-obscuring capacity of smoke.

SMOKE

"Smoke" is particulate matter resulting from the process of combustion.

SMOKE UNITS

A "smoke unit" is the number obtained by multiplying the smoke density in a Ringelmann number by the time of emission in minutes.

42-232 Method of measurement

For the purpose of grading the density of emission of smoke, the Ringelmann Chart shall be employed. For the purpose of determining smoke units a Ringelmann density reading is made at least once every minute during the period of observation. Each reading is multiplied by the time in minutes during which it is observed, and the various products are added together to give the total number of smoke units observed during the total period under observation.

42-233 Maximum permitted emission of smoke(a) During normal operations

In all Manufacturing Districts, the density of emission of smoke into the atmosphere during normal operations shall not exceed the maximum permitted smoke units per hour per stack specified in the following table for the district indicated. Moreover, in no event shall any such emission exceed Ringelmann number 2. For the purposes of this Section, "normal operations" shall not include banking or cleaning fires, soot blowing, or process purging; such operations shall, however, be regulated by the provisions of Section 42-233 (b).

The volume of steam generated shall be, for the purposes of the following table, the average hourly output from all operations connected with a stack, and shall be measured during that continuous four-hour period of the greatest average output in each 24-hour period.

Maximum Permitted Smoke Units
(per hour per stack)

	District					
	M1		M2		M3	
	Ringelmann number		Ringelmann number		Ringelmann number	
Steam generated (pounds per hour) ^{1/}	#1	#2	#1	#2	#1	#2
10,000 or less	20	8	20	8	20	8
20,000	14	6	16	6	16	7
40,000	10	4	13	5	14	6
60,000	8	3	11	4	13	5
100,000	6	3	9	4	11	5
200,000	4	2	7	3	9	4
300,000	4	1	6	3	9	4
500,000	3	1	5	2	8	3
800,000	2	1	5	2	7	3
1,000,000 or more	2	1	4	2	6	3

^{1/} Values not shown in the table shall be determined by linear interpolation.

Underlined words in text are defined in Section 12-10, except technical terms applicable to performance standards only, which are defined in the appropriate Sections of this Chapter.

42-233 Maximum permitted emission of smoke, continued(b) For special operations

Building new fires, banking or cleaning fires, soot blowing, or process purging shall not exceed, within any 24 hour period, the maximum frequency established for such operations in the following table for the district indicated. In addition, during such operations, the density of emission of smoke into the atmosphere shall not exceed the maximum permitted smoke units per hour per stack specified in the following table for the district indicated and, in no event, shall exceed Ringelmann number 3.

Maximum Frequency and Permitted Smoke Units
for Special Operations

	District		
	<u>M1</u>	<u>M2</u>	<u>M3</u>
Maximum frequency permitted:			
(a) For rebuilding fires within 24 hour period	once	once	no limit
(b) For banking or cleaning fires, soot blowing, or process purging	once in 6 hours	once in 6 hours	once in 4 hours
Maximum smoke units permitted per hour per stack:			
Ringelmann number 1	20	20	20
Ringelmann number 2	10	20	40
Ringelmann number 3	3	6	9

42-234 Maximum permitted emission of particulate matter other than smoke(a) Related to steam production

In all Manufacturing Districts, the emission into the atmosphere of particulate matter other than smoke which is related to steam production and is emitted from any source, shall not exceed the maximum number of pounds of dust per thousand pounds of flue gas per stack specified in the following table for the district indicated. For the purposes of this table, the volume of steam generated shall be the average hourly output from all operations connected with a stack, and shall be measured during that continuous four-hour period of the greatest average output in each 24-hour period.

42-234

Maximum permitted emission of particulate matter other than smoke,
continuedMaximum Emission of Dust^{1/}
(per thousand pounds of flue gas per stack)

Steam generated (pounds per hour) ^{2/}	District					
	M1		M2		M3	
	Particle size		Particle size		Particle size	
	Finer than 325 mesh	Coarser than 325 mesh	Finer than 325 mesh	Coarser than 325 mesh	Finer than 325 mesh	Coarser than 325 mesh
10,000 or less	.5	.05	.5	.05	.5	.05
20,000	.4	.04	.4	.04	.4	.04
40,000	.3	.03	.3	.03	.3	.03
60,000	.2	.02	.3	.03	.3	.03
100,000	.2	.01	.2	.02	.3	.03
200,000	.1	.01	.2	.02	.2	.02 ⁴
300,000	.1	.01	.2	.02	.2	.02
500,000	.1	.01	.1	.01	.1	.01
800,000	.1	.01	.1	.01	.2	.02
1,000,000 or more	.1	.01	.1	.01	.2	.02

^{1/} Adjusted to 50 percent excess air.^{2/} Values not shown in the table shall be determined by linear interpolation.(b) Unrelated to steam production

In all Manufacturing Districts, the emission into the atmosphere of all process dust or other particulate matter which is unrelated to steam production shall not exceed a maximum dust loading allowance of .50 for particles finer than 325 mesh, or .050 for particles of 325 mesh or coarser.

(c) Prevention of wind-borne air pollution

In all Manufacturing Districts, all storage areas, yards, service roads, or other untreated open areas developed within the boundaries of a zoning lot shall be improved with appropriate landscaping or paving, or treated by oiling or any other means acceptable to the Zoning Administrator, so that dust or other types of air pollution borne by the wind from such sources shall be minimized.

42-235 General control over smoke and other particulate matter

In addition to the performance standards regulating smoke and other particulate matter, the emission of such matter shall be so controlled in manner and quantity of emission as not to be detrimental to or endanger the public health, safety, comfort, or other aspects of the general welfare.

42-24 Performance Standards Regulating Odorous Matter42-241 Standards for effluents measurable in cubic feet per minute

In all Manufacturing Districts, the emission into the atmosphere of odorous matter for which the quantity of effluent can be measured in cubic feet per minute, originating from flues, ducts, stacks, or any other type of opening from which the emission can be controlled, shall be regulated by the standards set forth in the following table for the district indicated. Such emission of odorous matter, when collected at the lot line and diluted in tests under controlled conditions with volumes of clean air in the proportion set forth in the following table, shall not be detectable.

Underlined words in text are defined in Section 12-10, except technical terms applicable to performance standards only, which are defined in the appropriate Sections of this Chapter.

Standards for Odorous Matter Measurable
in Cubic Feet per Minute

Quantity of effluent (cubic feet per minute) ^{1/}	Required volumes of clean air		
	District		
	<u>M1</u>	<u>M2</u>	<u>M3</u>
10	5.7	16.5	90.0
100	4.0	10.0	38.0
1,000	2.8	6.2	17.0
10,000	2.0	4.0	8.0
100,000	1.4	2.7	4.5
1,000,000 or greater	1.0	2.0	3.0

^{1/} Intermediate values not shown in the table shall be determined by linear interpolation in accordance with the following formulae, in which "a" shall be the quantity of effluent:

$$\text{For M1 } (64/2^a)^{\frac{1}{2}}$$

$$\text{For M2 } (730/3^a)^{\frac{1}{2}} + 1$$

$$\text{For M3 } (46,800/6^a)^{\frac{1}{2}} + 2$$

42-242 Regulation for effluents not measurable in cubic feet per minute

In all Manufacturing Districts, the emission into the atmosphere of odorous matter for which the quantity of effluent cannot be measured in cubic feet per minute, and which originates from sources including but not limited to refuse dumps, compost heaps, process wastes, or open plant operations, shall be so controlled as not to be detectable at or beyond the boundary of the nearest Residence District.

42-25 Performance Standards Regulating Toxic or Noxious Matter42-251 Definitions

For the purposes of this Section, the following term is defined:

TOXIC OR NOXIOUS MATTER

"toxic or noxious matter" is any solid, liquid, or gaseous matter, including but not limited to gases, vapors, dusts, fumes, and mists, containing properties which by chemical means are:

- (a) Inherently harmful and likely to destroy life or impair health, or
- (b) Capable of causing injury to the well-being of persons or damage to property.

42-252 Method of measurement

For the purpose of measuring the density of mineral dusts, the light field low-power method (described in U.S. Public Health Report 47 No. 12, pp. 669-672, March 18, 1932), or its equivalent, shall be used, and a standard type impinger, or its equivalent, shall be employed for taking atmospheric dust samples.

42-253 Maximum allowable concentrations of toxic or noxious matter

In all Manufacturing Districts, the concentration of toxic or noxious matter shall not exceed, at any point on or beyond any lot line, one-tenth the maximum allowable concentration set forth in Section 12-29 of the Industrial Code Rule No. 12, relating to Control of Air Contaminants, adopted by the Board of Standards and Appeals of the New York State Department of Labor on June 21, 1956, effective October 1, 1956.

Underlined words in text are defined in Section 12-10, except technical terms applicable to performance standards only, which are defined in the appropriate Sections of this Chapter.

42-254 Addition of other toxic or noxious matter

The Board of Standards and Appeals may, in order to protect the public health, safety, comfort, and other aspects of the general welfare, adopt rules and regulations classifying other similar toxic or noxious matter and specifying their permissible maximum allowable concentrations in appropriate relationship to the maximum allowable concentrations as set forth in Section 42-253 (Maximum allowable concentrations of toxic or noxious matter).

42-255 General control over toxic or noxious matter

In addition to the performance standards regulating toxic or noxious matter, the emission of such matter shall be so controlled that no concentration of such matter, at or beyond the lot line, shall be detrimental to or endanger the public health, safety, comfort, and other aspects of the general welfare, or cause injury or damage to property.

42-26 Performance Standards Regulating Radiation Hazards42-261 Definitions

For the purposes of this Section, the following terms are defined:

IONIZING RADIATION

"Ionizing radiation" includes all radiations capable of producing ions in their passage through matter. Ionizing radiations include, but are not limited to, electromagnetic radiations (such as X-rays and gamma rays) and particulate radiations (such as electrons or beta particles, protons, neutrons, and alpha particles).

REM

"Rem" is a quantity of ionizing radiation which, when imparted to a biological system, has the same effect as an absorbed dose of one roentgen of X-rays per gram of living matter. A rem is 1,000 millirems.

CURIE

A "curie" is a unit of radioactivity equal to 3.7×10^{10} disintegrations per second. A curie is 1,000 millicuries.

FIREPROOF CONTAINER

"Fireproof containers" shall include steel or concrete containers and shall not include lead or other low-melting metals or alloys.

42-262 Maximum permitted concentration of air-borne radioactive material

In all Manufacturing Districts, air-borne radioactive materials shall not exceed, at any point on or beyond any lot line, one-thirtieth the maximum average concentrations set forth in Column 2, Table I, of Section 38-6 of the Industrial Code Rule No. 38, relating to Radiation Protection, adopted by the Board of Standards and Appeals of the New York State Department of Labor on October 10, 1955, effective December 15, 1955.

42-263 Standard for ionizing radiation

In all Manufacturing Districts, no activity involving ionizing radiation shall be permitted which will cause radiation, at any point on or beyond any lot line, in excess of 10 millirems in a week or 0.8 millirems in an hour.

Underlined words in text are defined in Section 12-10, except technical terms applicable to performance standards only, which are defined in the appropriate Sections of this Chapter.

42-264 Maximum permitted quantities of unsealed radioactive material

In M1 Districts, unsealed radioactive materials shall not be manufactured, utilized, or stored (unless such materials are stored in a fireproof container at or below ground level) in excess of the quantities set forth in Column 1 of the table in Section 38-2 of the Industrial Code Rule No. 38, relating to Radiation Protection, adopted by the Board of Standards and Appeals of the New York State Department of Labor on October 10, 1955, effective December 15, 1955.

In M2 Districts, such materials shall not be manufactured, utilized, or stored (unless such materials are stored in a fireproof container at or below ground level) in excess of 10 times the quantities set forth in Column 1 of the table cited above in this Section. In M3 Districts, no limits as to such permitted quantities shall apply.

42-27 Performance Standards Regulating Fire and Explosive Hazards42-271 Definitions

For the purposes of this Section, the following terms are defined:

SLOW BURNING

"Slow burning" materials are materials which will not ignite or actively support combustion during an exposure for 5 minutes to a temperature of 1,200° F. and which, therefore, do not constitute an active fuel.

MODERATE BURNING

"Moderate burning" materials are materials which in themselves burn moderately and may contain small quantities of a higher grade of combustibility.

FREE BURNING

"Free burning" materials are materials constituting an active fuel.

INTENSE BURNING

"Intense burning" materials are materials which by virtue of low ignition temperature, high rate of burning, and large heat evolution burn with great intensity.

FLAMMABLE OR EXPLOSIVE

"Flammable or explosive" materials are materials which produce flammable or explosive vapors or gases under ordinary weather temperature, including liquids with a closed cup flash point of less than 105° F.

CLOSED CUP FLASH POINT

The "closed cup flash point" is the temperature at which a liquid sample produces sufficient vapor to flash but not ignite when in contact with a flame in a closed cup tester (Penske-Martin, Tagliabue or other standard test equipment).

ORIGINAL SEALED CONTAINERS

"Original sealed containers" are containers with a capacity of not more than 55 gallons.

42-272 Classifications

For the purposes of this Section, materials are divided into four classifications or ratings based on the degree of fire and explosive hazard. The rating of liquids is established by specified closed cup flash points as set forth in this Section, and the Board of Standards and Appeals shall determine the rating of solids under this Section.

(a) Class I includes slow burning to moderate burning materials. This shall include all liquids with a closed cup flash point of 187° F. or more.

(b) Class II includes free burning to intense burning materials. This shall include all liquids with a closed cup flash point between 105° F. and 186° F.

Underlined words in text are defined in section 42-10, except technical terms applicable to performance standards only, which are defined in the appropriate Sections of this Chapter.

42-272 Classifications, continued

(c) Class III includes materials which produce flammable or explosive vapors or gases under ordinary weather temperature. This shall include all liquids with a closed cup flash point of less than 105° F.

(d) Class IV includes materials which decompose by detonation, including but not limited to all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; and strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, chlorites, or hydrogen peroxide in concentrations greater than 35 percent.

42-273 Regulations applying to Class I materials or products

In all Manufacturing Districts, Class I materials or products may be stored, manufactured, or utilized in manufacturing processes or other production.

42-274 Regulations applying to Class II materials or products

Class II materials or products may be stored, manufactured, or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class II materials or products shall be stored, manufactured, or utilized subject to the following limitations:

(1) Such storage, manufacture or utilization shall be carried on only within buildings or other structures which are completely enclosed by incombustible exterior walls;

(2) Such buildings or other structures shall either be set back at least 40 feet from any lot line, or protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and

(3) The storage of Class II materials or products shall be limited to 100,000 gallons, except that such limitation shall not apply to storage in underground tanks and storage of finished products in original sealed containers.

(b) In M2 Districts

In M2 Districts, Class II materials or products may be manufactured or utilized without limitation. The storage of Class II materials or products shall be limited to 200,000 gallons, except that such limitation shall not apply to storage in underground tanks or storage of finished products in original sealed containers.

(1) Special provisions applying along district boundaries

In M2 Districts and within 100 feet of the district boundary of a Residence District, a Commercial District or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in Section 42-274 (a) for M1 Districts

(c) In M3 Districts

In M3 Districts, Class II materials or products may be stored, manufactured, or utilized without limitation.

(1) Special provisions applying along district boundaries

In M3 Districts and within 100 feet of the district boundary of a Commercial District or an M1 District, Class II materials or products shall be stored, manufactured, or utilized only in accordance with the provisions set forth in Section 42-274 (a) for M1 Districts.

42-275 Regulations applying to Class III materials or products

Class III materials or products may be stored, manufactured or utilized in manufacturing processes or other production only in accordance with the following provisions:

(a) In M1 Districts

In M1 Districts, Class III materials or products shall not be manufactured in any event, and shall be stored or utilized subject to the following limitations:

Underlined words in text are defined in Section 12-10, except technical terms applicable to performance standards only, which are defined in the appropriate Sections of this Chapter.

42-275 Regulations applying to Class III materials or products, continued

(1) Such storage or utilization shall be carried on only within buildings or other structures which are completely enclosed by incombustible exterior walls, and

(2) Such buildings or other structures shall either be set back at least 40 feet from any lot line, or be protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code, and

(3) The final manufactured product shall have a rating of Class I, and

(4) The storage of Class III materials or products shall be limited to 50,000 gallons, except that such limitation shall not apply to storage in underground tanks or storage of finished products in original sealed containers.

(b) In M2 Districts

In M2 Districts, Class III materials or products shall not be manufactured in any event and shall be stored or utilized subject to the following limitations:

(1) The final manufactured product shall have a rating of Class II, and

(2) The storage of Class III materials or products shall be limited to 100,000 gallons, except that such limitation shall not apply to storage in underground tanks and storage of finished products in original sealed containers.

(3) In M2 Districts, and within 100 feet of the district boundary of a Residence District, a Commercial District, or an M1 District, Class III materials or products shall be stored or utilized only in accordance with the provisions set forth in Section 42-275 (a) for M1 Districts.

(c) In M3 Districts

In M3 Districts, Class III materials or products may be stored, manufactured or utilized without limitation.

(1) Special provisions applying along district boundaries

In M3 Districts and within 400 feet of a Residence District, a Commercial District or an M1 District, the provisions set forth in Section 42-275 (a) for M1 Districts shall apply. In M3 Districts and within 300 feet of the district boundary of an M2 District, no more than 200,000 gallons of Class III materials or products may be stored, except that such limitation shall not apply to storage in underground tanks and storage of finished products in original sealed containers.

42-276 Regulations applying to Class IV materials or products

Class IV materials or products shall not be manufactured or stored in any Manufacturing District and may be utilized in manufacturing processes or other production in any Manufacturing District only when authorized by a special permit granted by the Board of Standards and Appeals in accordance with the provisions of Chapter 3 of Article VII.

42-28 Performance Standards Regulating Humidity, Heat, or Glare42-281 Regulation applying to M1 Districts

In M1 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at any lot line.

42-282 Regulation applying to M2 Districts

In M2 Districts, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out within an enclosure and in such a manner as not to be perceptible at any lot line.

42-283 Regulation applying to M3 Districts

When an M3 District adjoins any other district, any activity producing excessive humidity in the form of steam or moist air, or producing intense heat or glare, shall be carried out in such a manner as not to be perceptible at the district boundary.

Underlined words in text are defined in Section 12-10, except technical terms applicable to performance standards only, which are defined in the appropriate Sections of this Chapter.

42-30

USES PERMITTED BY SPECIAL PERMIT

Parking
Require-
ment
CategoryDISTRICTS
M1 M2 M3

42-31 By the Board of Standards and Appeals

In the districts indicated, the following uses are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Chapter 3 of Article VII.

Children's amusement parks, with sites of not less than 10,000 square feet nor more than 75,000 square feet per establishment

F

M1

Colleges or universities (except business colleges), or schools (except trade schools for adults), provided they have no residential accommodations

M1

Radio or television towers

M1

M2

M3

Sand, gravel or clay pits

M1

M2

M3

42-32 By the City Planning Commission

In the districts indicated, the following uses are permitted by special permit of the City Planning Commission in accordance with standards set forth in Chapter 4 of Article VII.

Airports

M1

M2

M3

Arenas, auditoriums, or stadiums with a capacity in excess of 2,500 seats

E

M1

M2

M3

Bus stations

With less than 10 berths

M1

M2

M3

With 10 or more berths

M1

M2

M3

Children's amusement parks with sites of not less than 75,000 square feet nor more than 10 acres per establishment

F

M1

Commercial parking lots or garages with capacity of 150 spaces or more

M1

M2

M3

Drive-in theaters, with a maximum capacity of 500 automobiles

M1

M2

M3

Heliports

M1

M2

M3

Racetracks

M1

M2

M3

Railroad passenger stations

M1

M2

M3

Trade expositions with a legal capacity in excess of 2,500 persons

E

M1

M3

M3

42-40

SUPPLEMENTARY USE REGULATIONS

42-41 Location Within Buildings

In the district indicated, all commercial or manufacturing uses or related activities (except storage) shall take place within completely enclosed buildings, except as otherwise specifically stated in the Use Groups permitted in the district and except for off-street parking or loading.

M1

42-42 Commercial Parking Garages, Commercial Parking Lots, or Gasoline Service Stations Near Schools, Parks, or Playgrounds

In all districts, as indicated, vehicular entrances or exits for commercial parking garages, commercial parking lots, or gasoline service stations shall not be located within 300 feet of any exit or entrance for a school (except trade schools for adults), any playground accessory thereto, or any public park or public playground of one-half acre or more.

M1

M2

M3

42-50

SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

42-51

Open Storage of Materials or Products

In the district indicated, and within 200 feet of a Residence District boundary, no open storage of materials or products is permitted.

42-52

Activities Restricted to Completely Enclosed Buildings

In the districts indicated, and within 300 feet of a Residence District boundary, all commercial and manufacturing activities, except storage of materials or products, shall take place within completely enclosed buildings, except as otherwise specifically stated in the Use Groups permitted in the district, and except for accessory off-street loading or parking.

42-53

Screening

In the districts indicated, and within 200 feet of a Residence District boundary, open storage of materials or products shall be permitted only if effectively screened by a solid wall or fence (including solid entrance and exit gates) at least eight feet in height.

42-54

Interior Lots

In all districts, as indicated, when the side lot line of any interior or through lot in any Manufacturing District adjoins any zoning lot in any Residence District, no primary business entrance, show window or sign shall be located in the Manufacturing District within 20 feet of the Residence District boundary. However, where the zoning lot in the Manufacturing District adjoining the Residence District boundary is less than 30 feet wide, such required distance from the Residence District boundary shall be reduced to 10 feet.

42-55

Corner Lots

In all districts, as indicated, where frontage on a corner lot in any Manufacturing District adjoins frontage on an interior lot in any Residence District, no primary business entrance, show window, or sign shall be located within 75 feet of the Residence District boundary. However, if such a corner lot in the Manufacturing District adjoins zoning lots in Residence Districts on both frontages, the requirements of this Section shall apply to only one frontage of the corner lot in the Manufacturing District, and the requirements of Section 42-54 (Interior Lots) shall apply to the other frontage. The provisions of this Section shall not apply to service entrances less than three feet six inches in width, windows other than show windows, or ventilators, fire escapes, or other appurtenances required by law.

42-56

Subdivision of Lots

In all districts, as indicated, for all zoning lots existing at the effective date of this resolution, the provisions of Section 42-54 (Interior Lots) or Section 42-55 (Corner Lots) shall apply regardless of any subsequent subdivision.

42-57

Performance Standards

In all districts, as indicated, special provisions applying along district boundaries for performance standards shall apply as set forth in Section 42-21 to Section 42-28, inclusive.

DISTRICTS

M1 M2 M3

M1

M2

M3

M2

M3

M1

M2

M3

M1

M2

M3

M1

M2

M3

M1

M2

M3

42-60

SIGN REGULATIONS

42-61

Definitions (repeated from Section 12-10)Sign

A "sign" is any structure or part thereof, or any device attached to, painted on, or represented on a building or other structure, upon which is displayed or included any letter, word, model, banner, flag, insignia, decoration, device, or

Underlined words in text are defined in Section 12-10.

42-61 Definitions (repeated from Section 12-10), continued

representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device. A sign shall not include a similar structure or device located within a building except for illuminated signs within show windows.

A sign includes any billboard, but does not include the flag, pennant, or insignia of any nation or association of nations, or of any state, city, or other political unit, or of any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

Sign, advertising

An "advertising sign" is a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the same zoning lot.

Sign, business

A "business sign" is an accessory sign which directs attention to a profession, business, commodity, service, or entertainment conducted, sold, or offered upon the same zoning lot. A "for sale" or "for rent" sign relating to the zoning lot on which it is displayed shall be deemed a business sign.

42-62 Permitted Accessory Business Signs or Advertising Signs

In all districts, as indicated, accessory business signs or advertising signs are permitted with no restrictions on size, illumination, or otherwise, except as otherwise provided in Section 42-64 (Special Provisions Applying along District Boundaries) and subject to the provisions of Sections 42-63 (Additional Regulations for Advertising Signs).

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3

42-63 Additional Regulations for Advertising Signs

In all districts, as indicated, no advertising sign shall be located, nor shall an existing advertising sign be structurally altered, within 200 feet of an arterial highway or of a public park with an area of one-half acre or more, if such advertising sign is within view of such arterial highway or public park. For the purposes of this Section, arterial highways shall include all highways which are shown on the Master Plan of Arterial Highways and Major Streets as "principal routes", "parkways", or "toll crossings", and which have been designated by the City Planning Commission as an arterial highway to which the provisions of this Section shall apply. However, beyond 200 feet from such arterial highway or public park, an advertising sign shall be located at a distance of at least as many linear feet therefrom as there are square feet of area on the face of such sign.

42-64 Special Provisions Applying along District Boundaries42-641 Restriction on size of signs

In all districts, as indicated, and within 250 feet of the boundary of a Residence District, no sign shall be larger (in square feet) than its linear distance (in feet) from the Residence District boundary.

42-642 Restriction on height above curb level

In all districts, as indicated, and within 1,000 feet of the boundary of a Residence District, or a C1 or C2 district, no illuminated sign with an area exceeding 25 square feet shall extend more than 50 feet above curb level, unless all illuminated portions thereof face at an angle of at least 90 degrees from such boundary line.

Explanation of Manufacturing Bulk Regulations

The proposed limits on building bulks in Manufacturing Districts are designed to control the intensity of the use of land and the density of employment as related to the generation of automobile, pedestrian, and truck traffic. The yard regulations are designed to provide open space, primarily at the boundaries of Residence Districts, and the height and setback regulations control the distribution of building bulk on the zoning lot to assure adequate light and air in the streets.

Regulation of Building Volume: Floor Area Ratio (Section 43-00)

The Floor Area Ratio is the primary instrument for controlling building size, employment density, and the level of activity and congestion in Manufacturing Districts. As in Residence and Commercial Districts, permitted Floor Area Ratios are specified in terms of floor area per 100 square feet of lot area.

Since World War II, new industrial plant construction in the City has been almost exclusively of the low bulk, one-story variety. This is in line with well established trends throughout the nation. The advantages of horizontal over vertical operations in the assembly of products and handling of goods are well known. That these advantages apply in New York City no less than the remainder of the nation has been clearly demonstrated by a sample survey of one-half of all industrial plants constructed in the City in recent years, which showed an average Floor Area Ratio in the City for new industrial development of 72, with individual Borough ratios of 82 in the Bronx, 77 in Brooklyn, 69 in Queens, and 12 in Richmond. Only three percent of the single-occupancy structures surveyed had a Floor Area Ratio greater than 110. Of the buildings exceeding a Floor Area Ratio of 100, nearly all were essentially single-story structures except for small partial second stories used for office purposes.

Parking areas for employee use were provided by a significant proportion of the industrial establishments studied. Provision of land for parking, combined with the low bulk of new industrial construction, has resulted in a relatively low intensity of new industrial land use. Since it is likely that in the future most new industrial development will serve to replace and relocate existing industries characterized by higher bulks, this trend toward the spreading out of industrial development and a decrease in the intensity of industrial land utilization is expected to continue.

In line with these healthy trends, which avoid the congestion which plague industrial establishments in the older parts of the City, a low bulk district is proposed. New factories and warehouses more than one story in height are becoming a rarity and will generally be confined in the future to localities with

exceptionally high land values and to the few types of establishments which are economically dependent upon a central location or are peculiarly suited to vertical operations. To accommodate such establishments and to permit modernization and additions to old buildings, three higher bulk levels have been established in addition to the low bulk district which will control the majority of new construction.

The four levels of Floor Area Ratio proposed -- 80, 200, 500, and 1000 -- cover the various types of conditions in industrial districts throughout the City. With adequate off-street parking and loading facilities as proposed in the section on Manufacturing Parking and Loading Regulations, the Floor Area Ratio of 80 is not restrictive and has been widely designated. A description of the permitted levels of building bulk in each district as related to the use and parking regulations is contained at the end of this section.

Yard Regulations (Section 43-10)

The proposed yard regulations are the same for all the Manufacturing Districts. In general, they are not restrictive and thus permit flexibility in site layout. No front yard is required except where a street forms the boundary between a Manufacturing and a Residence District; here residences across the street are protected by the requirement of a 20 foot minimum front yard in the Manufacturing District. Similarly, no side yard is normally required, but in situations where the district boundary coincides with the side or rear lot line of a zoning lot in an adjoining Residence District, a minimum side yard of 15 feet is required in the Manufacturing District. In all other situations, a side yard, if provided, must be at least eight feet wide.

A rear yard is required, with a minimum depth of 20 feet. However, since the required rear yard may be provided up to 23 feet above curb level, full utilization of the lot to this level, aside from space needed for required off-street parking and loading, is possible for all but multi-story buildings. However, a rear yard which is adjacent to the rear of a lot in a Residence District must be provided at curb level, with a minimum depth of 30 feet.

Height and Setback Regulations (Section 43-30)

The proposed height and setback regulations for Manufacturing Districts are similar to those established for Residence and Commercial Districts. A more detailed description of these proposed regulations is contained in the explanations accompanying the residential and commercial bulk regulations. These regulations specify for each Manufacturing District the height at which a building is required to set back a minimum distance from the street line and the angle of the "sky exposure plane" which limits building heights above this point.

The provision of front yards at the street line is encouraged by the steeper "alternate sky exposure plane" applying to buildings set back from the street. Such additional open space at the street level is sorely needed in high bulk manufacturing districts in central areas to improve pedestrian circulation and provide milling areas off the sidewalks. Towers covering not more than 40 percent of the lot area may pierce the sky exposure plane, subject to compliance with the provisions in Section 43-35 (Tower Regulations).

Bulk Regulations by District

The three categories of manufacturing use regulations described in the previous chapter have been combined with four levels of permitted bulk (Floor Area Ratio) and the necessary parking regulations to produce the following twelve proposed Manufacturing Districts. The parking regulations are described in the next section.



One- and two-story factory with low coverage.
Maspeth, Queens.

District	Floor Area Ratio	Parking
M1-1	80	Required
M1-2	200	Required
M1-3	500	Required
M1-4	200	Exempt
M1-5	500	Exempt
M1-6	1,000	Exempt
M2-1	200	Required
M2-2	500	Required
M2-3	200	Exempt
M2-4	500	Exempt
M3-1	200	Required
M3-2	200	Exempt

M1 Districts (High Performance)

The M1 Districts are designed to cover a wide range of conditions. At one extreme is the garment district, with its tall loft buildings and major congestion problems. At the opposite extreme are portions of the vacant industrial land reserve in Staten Island. The intervening areas represent various stages in the transition from old, high-density central areas to new, congestion-free manufacturing areas. The four levels of Floor Area Ratio reflect this variety of conditions and problems.

The M1-1 District, with a maximum permitted Floor Area Ratio of 80, is the most widely zoned Manufacturing District. This district is usually designated on the zoning maps close to residential neighborhoods and frequently serves as the industrial "front yard", or low bulk buffer, at the periphery of large, older manufacturing areas, governed in their interior portions by the medium performance standards and the less restrictive bulk controls of the M2 Districts.

The M1-2 and M1-4 Districts are both subject to a maximum Floor Area Ratio of 200, and are distinguished only by the off-street parking requirements, which apply in M1-2 and not in M1-4. These districts are located fairly extensively in older parts of the City, including the Central Business District of Manhattan, where prevailing industrial development is characterized by a preponderance of buildings more than one story in height, and where it would thus be unreasonable to restrict new construction to the bulk levels applying in the M1-1 District. The M1-4 District is designated exclusively in the Central Business District of Manhattan.

The M1-3 and M1-5 Districts, each with a maximum permitted Floor Area Ratio of 500, are designed for a limited number of older industrial concentrations characterized by unusually high bulks. The M1-5 Districts in particular are designed to accommodate the large concentrations of lofts and warehouses in the central areas of Manhattan south of 72nd Street. The two districts are distinguished on the basis of their off-street parking requirements. No parking is required in M1-5 Districts, which are designated only in the Central Business District of Manhattan.

The M1-6 District is the highest bulk Manufacturing District, with a maximum permitted Floor Area Ratio of 1,000. This district is designed for the garment center

in Manhattan. While the prevailing bulks of loft buildings in the garment district are generally somewhat above the ceiling set for new construction in the M1-6 District, there is small likelihood that new loft construction at the prevailing high bulk levels could be attracted into this area in the future. Certainly no sound public purpose would be served by permitting new buildings at the present bulk levels to add to the already existing extreme traffic congestion in the area.

M2 Districts (Medium Performance)

The M2 Districts are governed by somewhat less restrictive bulk regulations than those applying in the M1 Districts. These districts are generally not designated on the zoning maps in areas adjacent to residential areas, but are typically buffered by M1-1 Districts with high performance standards and low bulk limitations.

The M2-1 and M2-3 Districts have the same maximum permitted Floor Area Ratio of 200, being differentiated by the off-street parking requirements. The M2-3 District, which is located only in the Central Business District of Manhattan, is exempt from parking requirements. The M2-1 is the most widely mapped M2 District since its bulk allowance is sufficiently liberal for application in most of the City's old manufacturing areas.

The M2-2 and M2-4 District are designated in the few localities appropriate for a medium level of performance which are characterized by unusually high bulks. An example of such areas are portions of the Hudson River waterfront in Manhattan. The maximum permitted Floor Area Ratio of 500 provides an ample allowance in such areas. These two districts are mapped sparingly because appreciable construction at such high bulk levels, though very unlikely, would result in excessive employment and traffic concentrations.

M3 Districts (Low Performance)

The two M3 Districts are designed primarily for heavy industrial concentrations remote from heavily populated areas. Both districts are governed by the same set of bulk regulations, with a maximum permitted Floor Area Ratio of 200. Since heavy industrial districts are characterized by extensive open areas required for storage and loading as well as the frequent absence of floors (e.g., petroleum refining, many chemical plants, tank farms, and grain elevators), a Floor Area Ratio of 200 is adequate. The two districts are differentiated solely on the basis of off-street parking requirements. The M3-2 District is designated in a few spots in the Central Business District of Manhattan and is exempt from parking requirements.



Industrial development along the Brooklyn waterfront. Bush Terminal (white buildings) is an early example of planned industrial development at high bulk.

Chapter3 Bulk Regulations

43-00 FLOOR AREA REGULATIONS

Definitions and General Provisions

43-01 Definitions (repeated from Section 12-10)

Floor area ratio

The "floor area ratio" of a building or buildings or zoning lot is the number of square feet of floor area in such building or buildings for each 100 square feet of lot area. Each square foot of floor area per 100 square feet of lot area is referred to as one point. (For example, in a district where the maximum floor area ratio is 200, a building containing 20,000 square feet of floor area may be constructed on a zoning lot of 10,000 square feet.)

Plaza

A "plaza" is an open area accessible to the public, which is either:

- (a) An open area along the front lot line not less than five feet deep (measured perpendicular to the front lot line), or
- (b) An open area on a through lot, extending from street to street and not less than 40 feet wide.

Such a plaza shall not at any point be more than five feet above the curb level of the nearest adjoining street, and shall be unobstructed from its lowest level to the sky, except as provided in Sections 23-44, 33-24 or 43-14 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

Zoning lot

A "zoning lot" is a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot may be subsequently subdivided into two or more zoning lots subject to the provisions of this resolution. A zoning lot therefore may or may not coincide with a lot as shown on the official tax maps of the City of New York, or on any recorded subdivision plat or deed.

Basic Regulations

43-02 Maximum Permitted Floor Area Ratio

In all districts, as indicated, the maximum floor area ratio for a zoning lot shall not exceed the floor area ratio as set forth in the following table, except as otherwise provided in Section 43-03 (Floor Area Bonus for a Plaza) and Section 43-04 (Special Provisions for Zoning Lots Divided by District Boundaries).

For lot area remainders of less than 100 square feet, the number of square feet of floor area permitted shall be in proportion to the floor area ratio set forth in this Section.

Maximum Permitted Floor Area Ratio

80

200

500

1,000

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1-1		
M1-2	M2-1	
M1-4	M2-3	M3
M1-3	M2-2	
M1-5	M2-4	
M1-6		

Underlined words in text are defined in Section 12-10.

Supplementary Regulations43-03 Floor Area Bonus for a Plaza

In the district indicated, for each square foot of plaza provided on a zoning lot, the total floor area permitted on that zoning lot under the provisions of Section 43-02 (Maximum Permitted Floor Area Ratio) may be increased by three square feet.

DISTRICTS		
M1	M2	M3
M1-6		
M1	M2	M3

Regulations Applying in Special Situations43-04 Special Provisions for Zoning Lots Divided by District Boundaries

In all districts, as indicated, if a zoning lot is divided by a boundary between Manufacturing Districts with different maximum floor area ratios, the maximum floor area ratio applicable to each portion of such zoning lot shall be multiplied by the percentage of the zoning lot to which each such floor area ratio applies; and the sum of the products obtained shall be the maximum adjusted floor area ratio applicable to such zoning lot.

The resulting floor area which is permitted by the maximum adjusted floor area ratio may be located wherever a building is permitted on a zoning lot, provided that the floor area ratio for each portion of a zoning lot within one district shall not exceed the maximum floor area ratio specified for that district or the maximum adjusted floor area ratio for the zoning lot, whichever is greater.

43-10 YARD REGULATIONS

Definitions and General Provisions43-11 Definitions (repeated from Section 12-10)Yard

A "yard" is that portion of a zoning lot extending open and unobstructed from the lowest level to the sky along a lot line, and from the lot line for a depth or width set forth in the applicable district regulations.

Yard, front

A "front yard" is a yard extending along the full length of the front lot line between the side lot lines of a zoning lot.

Yard, rear

A "rear yard" is a yard extending for the full length of the rear lot line between the side lot lines of a zoning lot.

Yard equivalent, rear

A "rear yard equivalent" is an open area which may be required on a through lot as alternative to a required rear yard.

Yard, side

A "side yard" is a yard extending along a side lot line from the required front yard (or from the front lot line if no front yard is required) to the required rear yard (or to the rear lot line, if no rear yard is required).

43-12 Level of Yards

In all Manufacturing Districts, the level of a yard or of a rear yard equivalent shall be not higher than curb level, except as provided in Section 43-13 (Level of Rear Yards). However, this Section shall not be construed to require that natural grade level be disturbed in order to comply with this requirement.

No building or other structure shall be erected above ground level in any required yard or rear yard equivalent except as otherwise provided in Section 43-14 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

43-13 Level of Rear Yards

In all Manufacturing Districts the level of a rear yard shall be not higher than 23 feet above curb level. However, this Section shall not be construed to require that natural grade level be disturbed.

43-14 Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all Manufacturing Districts, the following shall not be considered obstructions when located within a required yard or rear yard equivalent:

(a) In any yard or rear yard equivalent:

Awnings or canopies
Chimneys projecting not more than three feet into, and not exceeding two percent of the area of, the required yard or rear yard equivalent
Fences
Flag poles
Open accessory off-street parking spaces
Steps
Terraces
Walls not exceeding eight feet in height

(b) In any rear yard or rear yard equivalent:

Accessory off-street parking spaces, open or enclosed, provided that the height of an accessory building used for such purposes and located in a required rear yard or rear yard equivalent shall not exceed 23 feet above curb level
Balconies, not exceeding 15 percent of the area of the required rear yard
Breezeways

However, no portion of a rear yard equivalent which is also a required front yard or required side yard may contain any obstructions not permitted in such front yard or side yard.

43-15 Measurement of Yard Width or Depth

In all Manufacturing Districts, the width or depth of a yard or rear yard equivalent shall be measured perpendicular to lot lines.

Basic Regulations

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1	M2	M3

43-16 Minimum Required Side Yards

In all districts, as indicated, no side yards are required. However, if a side yard is provided, it shall be at least eight feet wide.

43-17 Minimum Required Rear Yards

In all districts, as indicated, except on corner lots and as otherwise provided in Section 43-18 (Special Provisions for Shallow Interior Lots), one rear yard with a depth of not less than 20 feet shall be provided on any zoning lot.

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3

43-204	<u>Required front yards along district boundary located in a street</u> In all districts, as indicated, if the boundary of an adjoining <u>Residence District</u> is located at the center line of a <u>street</u> , a <u>front yard</u> not higher than <u>curb level</u> and at least 20 feet in depth shall be provided on any <u>zoning lot</u> adjoining such district boundary and located within the <u>Manufacturing District</u> .	DISTRICTS		
		M1	M2	M3
43-21	<u>Special Provisions for Zoning Lots Divided by District Boundaries</u> In all districts, as indicated, if a <u>zoning lot</u> is divided by a boundary between <u>Manufacturing Districts</u> with different <u>yard</u> regulations, each part of such <u>zoning lot</u> shall be governed by the regulations set forth for the district in which it is located.	M1	M2	M3

43-30 HEIGHT AND SETBACK REGULATIONS

Definitions and General Provisions

43-31 Definitions (repeated from Section 12-10)

Initial setback distance

An "initial setback distance" is a horizontal distance measured from a street line into a zoning lot for a depth as set forth in the district regulations.

Public park

A "public park" is any publicly-owned park, playground, beach, parkway or roadway within the jurisdiction and control of the Commissioner of Parks, except for parked strips or malls in a street the roadways of which are not within his jurisdiction and control.

Sky exposure plane

A "sky exposure plane" is an imaginary inclined plane:

- (a) Beginning above the street line (or, where so indicated, above the front yard line) at a height set forth in the district regulations, and
- (b) Rising over a zoning lot at a slope determined by an acute angle (measured down from the vertical) set forth in the district regulations.

Street, narrow

A "narrow street" is any street less than 75 feet wide.

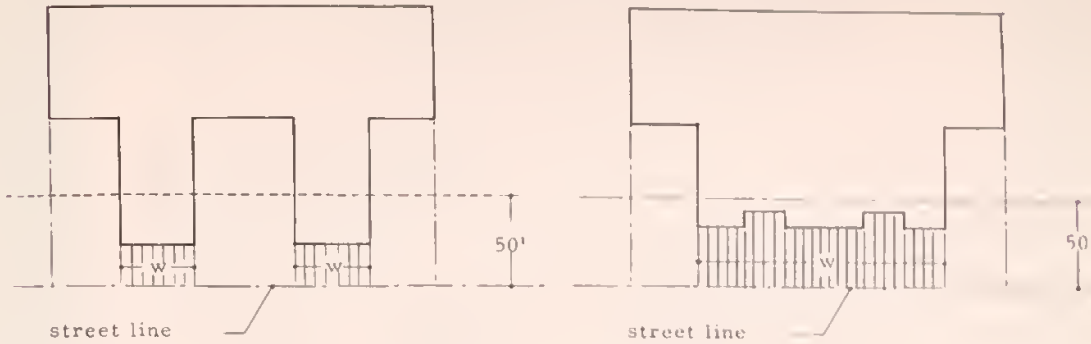
Street, wide

A "wide street" is any street 75 feet or more in width.

Underlined words in text are defined in Section 12-10.

43-31 Definitions (repeated from Section 12-10), continuedStreet walls, aggregate width of

The "aggregate width of street walls" at any given level is the sum of the maximum widths of all street walls of a building within 50 feet of a street line. The width of a street wall is the length of the street line from which, when viewed directly from above, lines perpendicular to the street line may be drawn to such street wall.



w is the aggregate width of street walls.

ILLUSTRATION OF AGGREGATE WIDTH OF STREET WALLS
SECTION 43-31

43-32 Permitted Obstructions

In all Manufacturing Districts, the following shall not be considered obstructions and may thus penetrate a maximum height limit or a sky exposure plane set forth in Section 43-33 (Maximum Permitted Height of Front Wall and Required Front Setbacks) or Section 43-34 (Alternate Front Setbacks).

- (a) Chimneys or flues, with a total width not exceeding 10 percent of the aggregate width of street walls of a building at any given level
- (b) Elevator or stair bulkheads, roof water tanks, or cooling towers (including enclosures), each having an aggregate width of street walls equal to not more than 30 feet. However, the total width of such obstructions facing each street frontage shall not exceed 20 percent of such street frontage.
- (c) Flag poles or aials
- (d) Spires or belfries
- (e) Parapet walls not more than four feet high
- (f) Wire, chain link, or other transparent fences

Basic Regulations43-33 Maximum Permitted Height of Front Wall and Required Front Setbacks

In all districts, as indicated, if the front wall or any other portion of a building or other structure is located at the street line or within the initial setback distance as set forth in the following table, the height of such front wall or other portion of a building or other structure shall not exceed the maximum height above curb level set forth in the following table. Above such maximum height and beyond the initial setback distance, the building shall not penetrate the sky exposure plane set forth in the following table.

DISTRICTS		
M1	M2	M3
M1	M2	M3

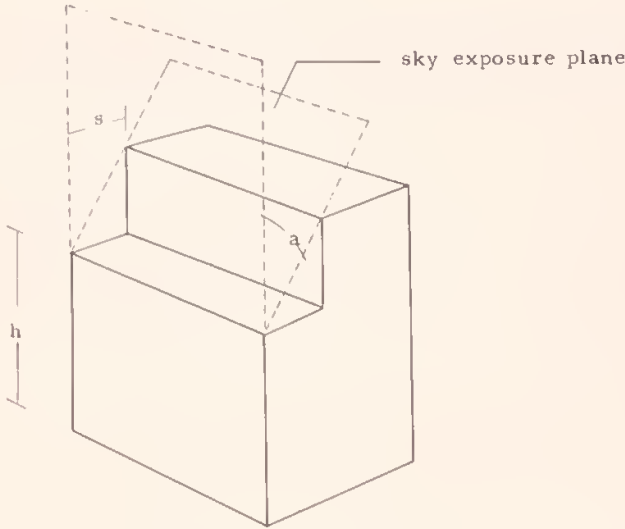
43-33

Maximum Permitted Height of Front Wall and Required Front Setbacks, continued

The regulations of this Section shall apply subject to the exceptions provided in Section 43-32 (Permitted Obstructions), Section 43-34 (Alternate Front Setbacks), or Section 43-35 (Tower Regulations).

Maximum Permitted Front Height
and Required Front Setbacks

Initial setback distance (in feet)		Maximum height of a front wall, or other portion of a building, within the initial setback distance	Sky exposure plane		
			Height above street line (in feet)	Angle of slope over zoning lot (measured down from the vertical, in degrees)	
				On narrow street	On wide street
On narrow street	On wide street				
20	15	30 feet or 2 stories, whichever is less	30	45	45
20	15	60 feet or 4 stories, whichever is less	60	20	10
20	15	85 feet or 6 stories, whichever is less	85	20	10



- h is the height of sky exposure plane above street line.
- s is the initial setback distance.
- a is the angle of slope of sky exposure plane over zoning lot measured down from the vertical.

ILLUSTRATION OF SKY EXPOSURE PLANE
SECTION 43-33

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1-1		
M1-2 M1-4	M2-1 M2-3	M3
M1-3 M1-5 M1-6	M2-2 M2-4	

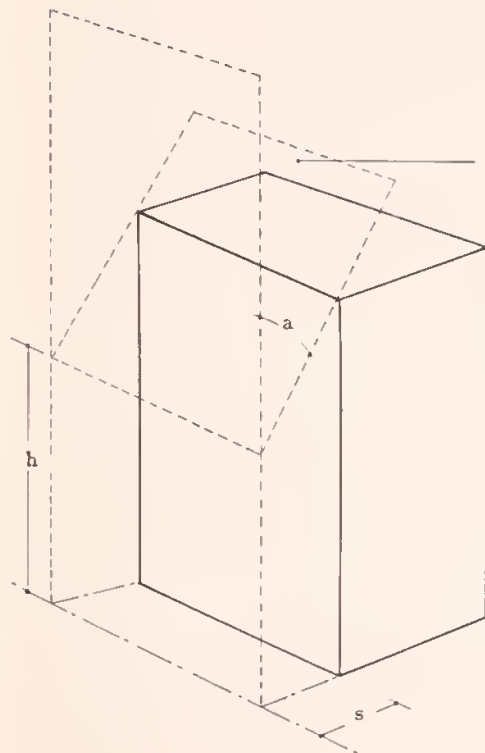
Underlined words in text are defined in Section 12-10.

43-34 Alternate Front Setbacks

In all districts, as indicated, if an open area is provided along the front lot line with the minimum depth set forth in the following table, the provisions of Sections 43-33 (Maximum Permitted Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the front lot line. However, in such instances no building or other structure shall penetrate the alternate sky exposure plane set forth in the following table. In such cases, the sky exposure plane shall be measured from a point above the street line. Such open area is eligible for the bonus provided for plazas in Section 43-03 (Floor Area Bonus for a Plaza).

Alternate Required Front Setbacks

Depth of optional front open area (in feet)		Alternate sky exposure plane		
		Height above street line (in feet)	Angle of slope over zoning lot (measured down from the vertical, in degrees)	
On narrow street	On wide street		On narrow street	On wide street
15	10	30	35	35
15	10	60	15	7½
15	10	85	15	7½



h is the height of sky exposure plane above street line.

s is the depth of the optional front open area.

a is the angle of slope of sky exposure plane over zoning lot measured down from the vertical.

ILLUSTRATION OF ALTERNATE SKY EXPOSURE PLANE
SECTION 43-34

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1-1		
M1-2	M2-1	
M1-4	M2-3	M3
M1-3		
M1-5	M2-2	
M1-6	M2-4	

43-35 Tower Regulations

- (a) On narrow streets, by a distance at least one-third of the aggregate width of street walls of the tower at such level, provided that such setback need not exceed 50 feet
- (b) On wide streets, by a distance at least one-fourth of the aggregate width of street walls of the tower at such level, provided that such setback need not exceed 40 feet.

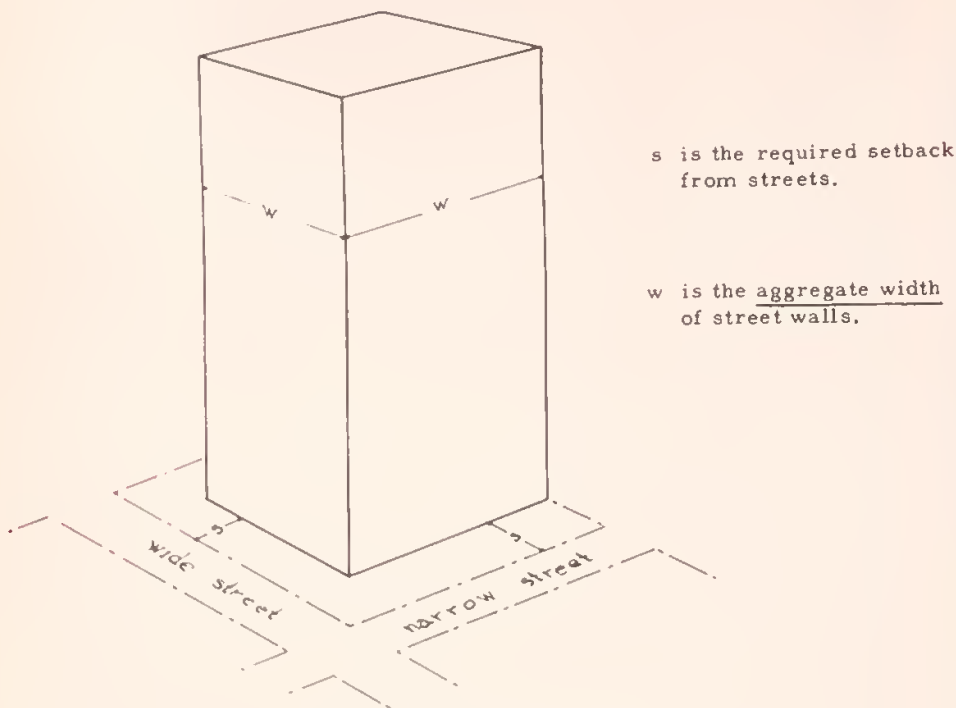


ILLUSTRATION OF TOWER
SECTION 43-35

Regulations Applying in Special Situations

43-36 Special Provisions for Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a public park with an area between one and fifteen acres shall be considered a street for the purpose of applying the height and setback regulations as set forth in Section 43-33 (Maximum Permitted Height of Front Wall and Required Front Setbacks) to any building or other structure on a zoning lot adjoining such public park. However, the provisions of this Section shall not apply to a public park more than 75 percent of which is paved.

DISTRICTS		
M1	M2	M3
M1-6		
M1	M2	M3

43-37 Special Provisions for Zoning Lots Divided by District Boundaries

In all districts, as indicated, if a zoning lot is divided by a district boundary between Manufacturing Districts with different height and setback regulations, the applicable regulation for each street frontage of such zoning lot shall be determined by multiplying the quantitative requirements set forth in Section 43-33 (Maximum Permitted Height of Front Wall and Required Front Setbacks), or Section 43-34 (Alternate Front Setbacks) applicable to each portion of such street frontage by the percentage of such street frontage to which such regulations apply. The sum of the products obtained shall be the controlling regulations for that zoning lot.

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3

43-40 MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE WALLS OF THE SAME BUILDING - COURT REGULATIONS

Basic Regulations43-41 Minimum Dimensions of Courts for Community Facility Buildings

In all districts, as indicated, the regulations contained in the following Sections shall apply to all buildings containing community facility uses:

Section 23-82 (Building Walls Regulated by Minimum Spacing Formula)

Section 23-83 (Minimum Dimensions of Outer Courts)

Section 23-84 (Narrow Outer Courts)

Section 23-85 (Wide Outer Courts)

Section 23-86 (Outer Court Recesses)

Section 23-87 (Minimum Dimensions of Inner Courts)

43-42 Required Outlook for Legally Required Windows

In all districts, as indicated, the minimum distance between any legally required window and any wall or any rear or side lot line shall be 20 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

SUMMARY OF BULK REGULATIONS IN
MANUFACTURING DISTRICTS

District	Yard Requirements ^{a/}			Height and Setback Requirements						
	Maximum Floor Area Ratio	Side Yard Minimum width if provided (in feet)	Rear Yard Minimum depth (in feet)	Standard Regulations						
				Initial setback distance (in feet)		Maximum height of front wall or other portion of building in setback distance		Sky exposure plane		
				Narrow street	Wide street	(in feet)	(in stories)	Height above street line (in feet)	Angle of slope over zoning lot (in degrees)	
									Narrow street	Wide street
M1-1	80	8	30	20	15	30	2	30	45	45
M1-2	200	8	30	20	15	60	4	60	45	45
M1-3	500	8	30	20	15	85	6	85	45	45
M1-4	200	8	30	20	15	60	4	60	45	45
M1-5	500	8	30	20	15	85	6	85	45	45
M1-6	1,000	8	30	20	15	85	6	85	45	45
M2-1	200	8	30	20	15	60	4	60	45	45
M2-2	500	8	30	20	15	85	6	85	45	45
M2-3	200	8	30	20	15	60	4	60	45	45
M2-4	500	8	30	20	15	85	6	85	45	45
M3-1	200	8	30	20	15	60	4	60	45	45
M3-2	200	8	30	20	15	60	4	60	45	45

District	Height and Setback Requirements				
	Alternate Regulations				
	Initial setback distance (in feet)			Sky exposure plane	
			Height above street line (in feet)	Angle of slope over zoning lot (in degrees)	
	Narrow street	Wide street		Narrow street	Wide street
M1-1	15	10	30	35	35
M1-2	15	10	60	15	7½
M1-3	15	10	85	15	7½
M1-4	15	10	60	15	7½
M1-5	15	10	85	15	7½
M1-6	15	10	85	15	7½
M2-1	15	10	60	15	7½
M2-2	15	10	85	15	7½
M2-3	15	10	60	15	7½
M2-4	15	10	85	15	7½
M3-1	15	10	60	15	7½
M3-2	15	10	60	15	7½

^{a/} No front or side yards are required in Manufacturing Districts.

Explanation of Manufacturing Parking and Loading Regulations

The Problem

The recent increase in automobile ownership in the City of New York has naturally induced a great increase in the use of automobiles for recreation, shopping, and the journey to work. Particularly significant, especially for this City, is the dramatic increase in the number of people who drive to work in areas outside the Central Business District. The best information currently available indicates that over half of the people who are employed in areas outside the Central Business District -- about 900,000 -- now drive to work. Since 1948, subway riding to these outlying employment centers during the journey-to-work hours has declined by almost 33 percent despite a stable or slightly increasing level of employment in these areas.

As a result, the need for more parking space in industrial areas has become apparent. At present many streets in such areas are jammed with parked cars, a situation frequently causing serious traffic congestion, particularly when truck access to factories and warehouses is impeded. In many cases, the adjoining Residential and Commercial Districts are also inundated with cars parked all day.



Inadequate off-street parking and loading facilities result in parking on sidewalk area.

The purpose of the proposed parking regulations is both to improve the efficiency of these industrial areas and to prevent further damage to neighboring areas resulting from the all-day parking of the cars of industrial workers.

Proposed Parking Requirements in Manufacturing Districts (Section 44-20)

Basic Requirements for Manufacturing, Storage, and Related Uses

The proposed parking requirements for industrial uses are based on the following five types of studies, surveys, and analyses:

- 1) An analysis of subway riding as related to employment centers.
- 2) Field observations of the amount of parking provided in various industrial districts compared with parking needs as determined by the amount of curb parking.
- 3) A survey of the number of square feet of floor area per worker in new industrial establishments.
- 4) Interviews with the management of one-half of the new industrial plants constructed in the City since 1953.

- 5) A sample survey of the amount of parking provided by new industrial plants in the City.

The results of the last two surveys were closely related. Interviews with industrial management revealed that over one-third of the employees came to work by automobile. The survey of the amount of parking provided by new industrial plants in the City showed that 45 percent of these plants had provided at least one parking space per three workers.

Accessory off-street parking is permitted in all Manufacturing Districts and is required in all Manufacturing Districts except those located in the Central Business District of Manhattan. There appear to be no important differences in the patterns of journey-to-work by automobile to the different industrial areas outside the Central Business District despite differences in use, bulk, or proximity to transit facilities. Therefore, the same requirements for parking apply to all types of Manufacturing Districts outside the Central Business District, regardless of differences in permitted use, bulk, or location. Manufacturing Districts in the Central Business District, like Commercial Districts, are exempt from requirements since the provision of more parking could attract more automobile traffic to the already overly congested streets of this area.

For all new manufacturing establishments, one required space is proposed for every three employees or for every 1,000 square feet of floor area, whichever will require the larger number of spaces. This standard provides a usable measure for determining the number of spaces to be provided, if the employment is unknown for any particular new development. Application of the floor area standard will also allow for greater certainty in cases where employment in any building might fluctuate. For warehouses and other storage establishments, which have very different traffic-generating characteristics from manufacturing establishments, one space is required for every three employees or every 2,000 square feet of floor area, whichever will require the smaller number of spaces. This type of standard has the attribute of not penalizing a very large storage establishment which has few employees.

These requirements apply to all manufacturing, storage, and related uses in all Manufacturing Districts except those within the Central Business District of Manhattan. However, no spaces need be provided if four spaces or less would be required by these standards. This waiver in effect exempts all manufacturing establishments with less than 15 employees or 7,500 square feet of floor area, and all storage establishments with less than 15 employees or 10,000 square feet of floor area.

Requirements for Commercial Uses and Community Facilities (Section 44-30)

All commercial uses and community facilities in those Manufacturing Districts where parking is required are governed by the standards of the Commercial Districts with medium parking requirements. A description of these standards may be found in the sections of this report explaining the Commercial and Residence District parking regulations.

Additional Parking Regulations

In addition to the basic parking requirements, the following additional controls are proposed:

- 1) Number of spaces permitted (Section 44-12). In order to prevent the possibility of traffic congestion resulting from large and poorly located parking facilities, the size of any single accessory facility is limited to 150 spaces. However, with the approval of the Zoning Administrator, a larger facility may be constructed if it is designed so as to

minimize traffic on surrounding residential streets and to prevent congestion at its entrances and exits.

2. Two uses or more with different parking requirements on a zoning lot (Section 44-24). When uses with different parking requirements share a single zoning lot, it is proposed that the requirements of each use apply to the extent of that use. However, the Board of Standards and Appeals may modify requirements for places of assembly which share a lot with other commercial uses if the Board finds that all the separately calculated required parking is not needed.
3. Zoning lots divided by district boundaries (Section 44-26). In cases where a zoning lot is divided by a boundary between two Manufacturing Districts, the requirements of the district in which the greater proportion of the zoning lot is located apply to the whole zoning lot.
4. Off-site spaces (Sections 44-42 and 44-44). Both permitted and required accessory parking spaces may be provided off the site if the following three requirements are met. The parking facilities must be
 - a) In the same district or an adjoining Commercial or Manufacturing District,
 - b) Not more than 600 feet from the zoning lot which they serve, and
 - c) In the same ownership as the use to which they are accessory.
5. Joint facilities (Section 44-43). Required parking may be provided by means of facilities designed to serve jointly two or more separate developments if the required parking spaces for each facility are met.
6. Use of facilities (Section 44-45). The use of accessory facilities is generally limited to owners, customers, employees, and visitors of the development to which parking is accessory.
7. Size of parking spaces (Section 44-52). The minimum permitted size of each parking stall is 8 feet, 6 inches in width and 18 feet in length. A gross standard of 300 square feet per car is also established for all parking areas, with the provision that facilities with certain design or operational efficiencies may provide less than 300 square feet if approved by the Zoning Administrator.
8. Proximity to street intersections (Section 44-53). In order to minimize traffic hazards, entrances and exits of all parking facilities with 10 or more spaces may not be located within 50 feet of a street intersection.
9. Surfacing (Section 44-54). All open parking areas are required to be paved with permanent solid concrete, asphalt, or other dustless material.
10. Screening (Section 44-55). Screening, in the form of either a solid fence or shrubbery, is required to protect neighboring residences from open parking lots with 10 spaces or more.

Off Street Loading Regulations (Section 44-60)

The proposed resolution incorporates the off-street loading regulations included in Section 19-A of the present resolution, with necessary adaptations to the proposed use and bulk districts and with several important additional regulations. As in the present resolution, berths are required for most commercial, manufacturing and storage uses, in addition to certain



Inadequate off-street loading facilities result in blockage of street and sidewalk.

other uses including hospitals, hotels, office buildings, undertakers, and funeral parlors, where truck access is indispensable. These requirements apply not only to completely new development, but also to the enlarged portion of existing buildings and to any building which is changed to a use which requires berths.

For commercial, manufacturing, and storage uses, more berths relative to floor area are required in the low bulk districts (those with maximum permitted Floor Area Ratios of less than 200) than in the high bulk districts (those with maximum permitted Floor Area Ratios of 200 or over). In the high bulk districts, only the larger buildings are required to provide berths.

In the proposed resolution, the provisions of Section 19-A of the present resolution are augmented by the following regulations involving the size, design and location of loading berths.

- 1) The proposed dimensions of a required berth are 33 feet long, 12 feet wide, and 14 feet high. However, for certain uses, these dimensions are modified to accommodate larger or small vehicles when necessary. For funeral parlors, the required size is substantially less, since berths are generally not needed to accommodate average-sized delivery trucks. For large wholesale, manufacturing, or storage establishments, however, berths are required to be 50 feet in length to accommodate the large tractor-trailers which usually serve these establishments.
- 2) The location of access to the street must be further than 50 feet from street intersections, as with accessory parking facilities. Provisions are made for waivers where closer locations would not cause traffic congestion or in hardship cases.



Excellent off-street loading facilities improve efficiency of streets and handling of goods.

3) In order to protect neighboring residences, berths located within 60 feet of a Residence District boundary must be enclosed within a building, and access must be at least 30 feet away from the boundary.

4) All open berths must be paved with a dustless material and screened from adjoining zoning lots in Residence Districts. The surfacing and screening requirements are generally the same as those required for open off-street parking facilities.

Chapter 4 Accessory Off-Street Parking and Loading Regulations

OFF-STREET PARKING REGULATIONS

44-00 GENERAL PURPOSES AND DEFINITIONS

44-01 General Purposes

The following regulations on permitted and required accessory off-street parking spaces are adopted in order to provide parking spaces off the streets for the increasing number of people driving to work in areas outside the Central Business District, to relieve congestion on streets in industrial districts, to help prevent all-day parking in residential and commercial areas adjacent to manufacturing areas, and to provide for better and more efficient access to and from industrial establishments within the City, and thus to promote and protect the public health, safety, convenience, prosperity, and other aspects of the general welfare.

44-02 Definitions (repeated from Section 12-10)

Group parking facility

A "group parking facility" is a building or other structure or a tract of land, used for the storage of motor vehicles, which contains more than one parking space, which has access to the street common to all spaces, and which, if accessory to a residential use, is designed to serve more than one dwelling unit. A group parking facility shall include, but is not limited to, the following:

- (a) An open parking area
- (b) Parking spaces included within, or on the roof of, a building not primarily used for parking
- (c) A building or buildings used primarily for parking, including a group of individual garages.

Legal capacity

The "legal capacity" of places of public assembly is the number of persons permitted by the Department of Buildings (as specified in Section C 26-1439.0 of the Administrative Code) to occupy those places of public assembly listed in the Use Groups under parking requirement category D or parking requirement category E, or those same uses when permitted only by special permit.

44-10 PERMITTED ACCESSORY OFF-STREET PARKING SPACES

44-11 General Provisions

In all districts, as indicated, accessory off-street parking spaces, open or enclosed, may be provided for all permitted uses subject to the provisions set forth in Section 44-12 (Maximum Size of Accessory Group Parking Facilities).

44-12 Maximum Size of Accessory Group Parking Facilities

In all districts, as indicated, no accessory group parking facility shall contain more than 150 off-street parking spaces unless the Zoning Administrator determines that the following conditions are met:

- (a) That access for such facility is located so as to draw a minimum of vehicular traffic to and through streets having predominantly residential frontage, and
- (b) That such facility has separate vehicular entrances and exits thereto, located not less than 25 feet apart, and
- (c) That such facility, if accessory to a commercial, community facility or manufacturing use, is located on a street not less than 60 feet in width, and

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1	M2	M3

Underlined words in text are defined in Section 12-10.

44-12 Maximum Size of Accessory Group Parking Facilities, continued

(d) That such facility, if accessory to a commercial use, has adequate reservoir space at the entrance to accommodate either 10 automobiles or 5 percent of the total parking spaces provided in the facility, up to a maximum of 50 automobiles, whichever number is greater.

The Zoning Administrator may impose appropriate additional requirements to minimize adverse effects on the character of surrounding areas, such as requirements for shielding of lights.

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
M1-1 M1-2 M1-3	M2-1 M2-2	M3-1

44-20 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, STORAGE, OR MISCELLANEOUS USES44-21 General Provisions

In the districts indicated, accessory off-street parking spaces, open or enclosed, shall be provided for all new development after the effective date of this resolution for the manufacturing or related uses set forth in Section 44-22 (Required Parking Spaces for New Manufacturing Uses) or Section 44-23 (Required Parking Spaces for New Storage or Miscellaneous Uses) in accordance with the provisions of the following Sections as a condition precedent to the use of such development.

Section 44-22 (Required Parking Spaces for New Manufacturing Uses)

Section 44-23 (Required Parking Spaces for New Storage or Miscellaneous Uses)

Section 44-24 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

Section 44-25 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden)

For the purposes of these Sections, a group of such uses constructed on a tract of land under single ownership or control shall be considered as a single zoning lot.

After the effective date of this resolution, if the use of any building or other structure or zoning lot is enlarged, the same requirements set forth in these Sections shall apply to the enlarged portions of such building or other structures or zoning lot.

44-22 Required Parking Spaces for New Manufacturing Uses

In the districts indicated, for all new development for the manufacturing uses listed in Use Group 11A (parking requirement category G), 17B, 17D, 18A, or 18C and with a minimum of either 7,500 square feet of floor area or 15 employees, one parking space shall be provided for every 1,000 square feet of floor area used for such uses or for every three employees, whichever shall require the larger number of spaces. For predominantly open manufacturing uses, the lot area used for such uses shall be considered as floor area for the purposes of these requirements.

44-23 Required Parking Spaces for New Storage or Miscellaneous Uses

In the districts indicated, for all new development for the storage or miscellaneous uses (including warehousing) listed in:

(a) Use Group 17A, 17D, 18B, or 18C, or

(b) Use Group 17C, except for agricultural uses, such exception including greenhouses, nurseries, or truck gardens, parking requirements for which are in Section 44-31 (General Provisions),

and with a minimum of either 10,000 square feet of floor area or 15 employees, one parking space shall be provided for every 2,000 square feet of floor area used for such uses or for every three employees, whichever shall require the smaller number of spaces. For predominantly open storage or miscellaneous uses, the lot area used for such uses shall be considered as floor area for the purposes of these requirements.

44-24 Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

In all districts, as indicated, where any building or zoning lot contains two or more uses having different parking requirements as set forth in Section 44-22 (Required Parking Spaces for New Manufacturing Uses), Section 44-23 (Required Parking Spaces for New Storage or Miscellaneous Uses), or Section 44-31 (General Provisions), the parking requirements for each type of use shall apply to the extent of that use.

However, the number of spaces required for uses in parking requirement category D (Small Places of Assembly) or in parking requirement category E (Large Places of Assembly), when in the same building or on the same zoning lot as any other use, may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-51 (Reduction of Spaces for Uses on Same Zoning Lot).

44-25 Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden

In all districts, as indicated, the requirements set forth in Section 44-21 (General Provisions) and Section 44-24 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to any building or zoning lot as to which the Department of Traffic has certified that there is no way to arrange the required spaces with access to the street to conform to the provisions of Section 44-53 (Location of Access to the Street).

44-26 Special Provisions for Zoning Lots Divided by District Boundaries

In all districts, as indicated, if a zoning lot is divided by a boundary between Manufacturing Districts having different requirements for accessory off-street parking spaces, the requirements of that district in which the greater proportion of the lot area of such zoning lot is located shall apply. However, the parking spaces may be located without regard to district boundaries, provided that such spaces shall conform to all other applicable regulations for the district in which they are located.

44-30 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES44-31 General Provisions

In all districts, as indicated, accessory off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table at the end of this Section for all new development after the effective date of this resolution for the commercial or community facility uses listed in the table which have at least as much floor area, lot area, legal capacity, or other unit of measurement used for such uses on a zoning lot as set forth for the appropriate district in the table. In addition, the provisions of Section 44-25 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden) and the other applicable requirements of this Chapter shall apply as a condition precedent to the use of such development.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table. For the purposes of this Section, a group of such uses constructed on a tract of land under single ownership or control shall be considered a single zoning lot.

After the effective date of this resolution, if the use of any building or other structure or zoning lot is enlarged, the same requirements set forth in the table shall apply to the enlarged portions of such building or other structure or zoning lot.

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3

Required Off-Street Parking Spaces
for Commercial or Community
Facility Uses

Type of use	Size of establish- ment, in square feet of floor area unless otherwise specified	Parking spaces required, per number of square feet of floor area unless otherwise specified	DISTRICTS		
			M1	M2	M3
			M1	M2	M3
<u>Commercial Uses</u>					
<u>Food stores</u>	Any size	None	M1-4 M1-5 M1-6	M2-3 M2-4	M3-2
Uses in parking require- ment category A in Use Group 6	Less than 4,000 4,000 or more	None 1 per 200	M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
<u>General retail uses</u>	Any size	None	M1-4 M1-5 M1-6	M2-3 M2-4	M3-2
Uses in parking require- ment category B in Use Group 6, 7, 10, or 14	Less than 4,000 4,000 to 11,999 12,000 or more	None 1 per 400 1 per 250	M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
<u>Low traffic-generating uses</u>	Any size	None	M1-4 M1-5 M1-6	M2-3 M2-4	M3-2
Uses in parking requirement category C in Use Group 6, 7, 8, 9, 10, 11, 14, or 16	Less than 6,000 6,000 or more	None 1 per 600	M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
<u>Legal capacity:</u>					
<u>Small places of assembly</u>	Any number	None	M1-4 M1-5 M1-6	M2-3 M2-4	M3-2
Uses in parking requirement category D in Use Group 8, 9, 10, or 12	Fewer than 150 persons 150 persons or more	None 1 per 8 persons	M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
<u>Legal capacity:</u>					
<u>Large places of assembly</u>	Any size	None	M1-4 M1-5 M1-6	M2-3 M2-4	M3-2
Uses in parking requirement category E in Use Group 8, 10, or 12, or when per- mitted by special permit	Fewer than 300 persons 300 persons or more	None 1 per 8 persons	M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
<u>Square feet of lot area:</u>					
<u>Open commercial amusements</u> ^{1/}	Any size	None	M1-4 M1-5 M1-6	M2-3 M2-4	M3-2
Uses in parking requirement category F in Use Group 13 or 15, or when per- mitted by special permit	Less than 10,000 10,000 or more	None 1 per 500	M1-1 M1-2 M1-3	M2-1 M2-2	M3-1

^{1/} In the case of golf driving ranges, requirements in this table apply only to portion of range used for tees

Required Off-Street Parking Spaces
for Commercial or Community
Facility Uses
(continued)

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1-4 M1-5 M1-6	M2-3 M2-4	M3-2
M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
M1	M2	M3
M1	M2	M3
M1-4 M1-5 M1-6	M2-1 M2-4	M3-2
M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
M1-4 M1-5 M1-6	M2-3 M2-4	M3-2
M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
M1-4 M1-5 M1-6	M2-3 M2-4	M3-2
M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
M1-4 M1-5 M1-6	M2-3 M2-4	M3-2
M1-1 M1-2 M1-3	M2-1 M2-2	M3-1
M1-4 M1-5 M1-6	M2-3 M2-4	M3-2
M1-1 M1-2 M1-3	M2-1 M2-2	M3-1

Type of use

Size of establish-
ment, in square feet
of floor area unless
otherwise specified

Parking apases
required, per number
of aquare feet of
floor area unless
otherwise specified

Commercial Uses (continued)

Other commercial uses

Usee in parking require-
ment category 0 in Use
Group 5, 7, 8, or 14,
as listed separately
below:

Hotele

(a) For that floor area used for sleeping accommodations

Any size

None

Less than 10,000
10,000 or more

None
1 per 8 guest rooms

(b) For that floor area
used for places of assem-
bly

When included as part of, or as accessory to a hotel, uses in parking requirement category D or E in Use Group 8, 9, 10, or 12 shall be provided with off-street parking spaces in accordance with the requirements set forth for such uses in this table.

Motele

Any eize

1 per guest room

Undertakere or funeral parlors

Any size

None

Less than 6,000
6,000 or more

None
1 per 400

Boat rental establish-
ments

Any number

None

Fewer than 10
10 or more

None
1 per 2 boat berths

Warehouses

Any size

None

Less than 10,000, or
15 employees
10,000, or 15 employees
or more

1 per 2,000, or 1 per 3 employees, whichever will require a lesser number of spaces

Hospitals ¹/₂

Any size

None

Less than 10,000
10,000 or more

None
1 per 1,000

1/ Requirements in this table are in addition to area utilized for ambulance parking.

Underlined words in text are defined in Section 12-10.

Required Off-Street Parking Spaces
for Commercial or Community
Facility Uses
(continued)

DISTRICTS		
M1	M2	M3
M1	M2	M3

Type of useSize of establish-
ment, in square feet
of floor area unless
otherwise specifiedParking spaces
required, per number
of square feet of
floor area unless
otherwise specifiedCommunity Facility Uses (continued)Medical offices or group
medical centers

Any size

None

M1-4
M1-5
M1-6M2-3
M2-4

M3-2

Less than 6,000
6,000 or moreNone
1 per 1,000M1-1
M1-2
M1-3M2-1
M2-2

M3-1

Churches, clubs, community
centers, settlement houses,
golf course club houses,
health centers, non-commercial
recreation centers, or welfare
centers

Any size

None

M1-4
M1-5
M1-6M2-3
M2-4

M3-2

Less than 15,000
15,000 or moreNone
1 per 1,000M1-1
M1-2
M1-3M2-1
M2-2

M3-1

Prisons

Any size

None

M1-4
M1-5
M1-6M2-3
M2-4

M3-2

Less than 25,000
25,000 or moreNone
1 per 1,500M1-1
M1-2
M1-3M2-1
M2-2

M3-1

Agricultural uses, in-
cluding greenhouses,
nurseries, or truck
gardensSquare feet of lot area used for
selling purposes:

Any size

None

M1-4
M1-5
M1-6M2-3
M2-4

M3-2

Less than 6,000
6,000 or moreNone
1 per 1,000M1-1
M1-2
M1-3M2-1
M2-2

M3-1

Outdoor skating rinks

Square feet of lot area:

Any size

None

M1-4
M1-5
M1-6M2-3
M2-4

M3-2

Less than 20,000
20,000 or moreNone
1 per 1,000M1-1
M1-2
M1-3M2-1
M2-2

M3-1

Outdoor tennis courts

Number of courts:

Any number

None

M1-4
M1-5
M1-6M2-3
M2-4

M3-2

Fewer than 10
10 or moreNone
1 per 2 courtsM1-1
M1-2
M1-3M2-1
M2-2

M3-1

Colleges or universities, when
permitted by special permit(a) Classrooms, laboratories,
student centers, or offices

Any size

None

M1-4
M1-5
M1-6Less than 15,000
15,000 or moreNone
1 per 1,000M1-1
M1-2
M1-3(b) Theatres, auditoriums,
gymnasiums, or stadiums

Any number

None

M1-4
M1-5
M1-6Fewer than 500 persons
500 persons or moreNone
1 per 8 personsM1-1
M1-2
M1-3

		DISTRICTS		
		M1	M2	M3
44-32	<u>Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements</u>	M1	M2	M3
	In all districts, as indicated, where any <u>building</u> or <u>zoning lot</u> contains two or more uses having different parking requirements as set forth in Section 44-22 (Required Parking Spaces for New Manufacturing Uses), Section 44-23 (Required Parking Spaces for New Storage or Miscellaneous Uses) or Section 44-31 (General Provisions), the parking requirements for each type of <u>use</u> shall apply to the extent of that <u>use</u> . However, the number of spaces required for uses in parking requirement category D (Small Places of Assembly) or in parking requirement category E (Large Places of Assembly) when in the same building or on the same zoning lot as any other <u>use</u> may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-51 (Reduction of Spaces for Uses on Same Zoning Lot).			
44-33	<u>Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden</u>	M1	M2	M3
	In all districts, as indicated, the requirements set forth in Section 44-21 (General Provisions) or Section 44-24 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to any <u>building</u> or <u>zoning lot</u> as to which the Department of Traffic has certified that there is no way to arrange the required spaces with access to the street to conform to the provisions of Section 44-53 (Location of Access to the Street).			
44-34	<u>Special Provisions for Zoning Lots Divided by District Boundaries</u>	M1	M2	M3
	In all districts, as indicated, if a <u>zoning lot</u> is divided by a boundary between <u>Manufacturing Districts</u> having different requirements for accessory off-street parking spaces, the requirements of that district in which the greater proportion of the lot area of such zoning lot is located shall apply. However, the parking spaces may be located without regard to district boundaries, provided that such spaces shall conform to all other applicable regulations for the district in which they are located.			
44-40	RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES			
44-41	<u>General Provisions</u>	M1	M2	M3
	In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, accessory to any permitted use shall be provided on the same <u>zoning lot</u> as the <u>building</u> or <u>use</u> to which such spaces are <u>accessory</u> , except as provided in the following Sections: Section 44-42 (Off-Site Spaces for All Permitted Uses) Section 44-43 (Joint Facilities) Section 44-44 (Additional Regulations for Required Spaces When Provided Off Site)			
44-42	<u>Off-Site Spaces for All Permitted Uses</u>	M1	M2	M3
	In all districts, as indicated, all permitted or required off-street parking spaces <u>accessory</u> to any permitted <u>use</u> may be provided on a <u>zoning lot</u> other than the same <u>zoning lot</u> as such <u>use</u> but within the same district or an adjoining C8 or <u>Manufacturing District</u> . However, all required spaces shall be not more than 600 feet from the nearest boundary of the <u>zoning lot</u> on which such <u>uses</u> are located.			
44-43	<u>Joint Facilities</u>	M1	M2	M3
	In all districts, as indicated, required <u>accessory</u> off-street parking spaces may be provided in facilities designed to serve jointly two or more <u>buildings</u> or <u>zoning lots</u> , provided that:			

Underlined words in text are defined in Section 12-10.

44-43 Joint Facilities, continued

(a) The number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined floor area, lot area, legal capacity, or other such unit of measurement in such buildings or zoning lots:

Section 44-21 (General Provisions)

Section 44-22 (Required Parking Spaces for New Manufacturing Uses)

Section 44-23 (Required Parking Spaces for New Storage or Miscellaneous Uses)

Section 44-24 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

Section 44-31 (General Provisions)

Section 44-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements), and

(b) The adequacy and layout of such joint facilities are approved by the Zoning Administrator.

44-44 Additional Regulations for Required Spaces When Provided Off Site

In all districts, as indicated, when required accessory off-street parking spaces are provided off the site in accordance with the provisions of Section 44-42 (Off-Site Spaces for All Permitted Uses) or Section 44-43 (Joint Facilities), the following additional regulations shall apply:

44-441 Ownership

In all districts, as indicated, such spaces shall be in the same ownership as the use to which they are accessory, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such use.

44-442 Conformity with district regulations

In all districts, as indicated, such spaces shall conform to all applicable regulations of the district in which they are located.

44-45 Restriction on Use of Accessory Off-Street Parking Spaces

In all districts, as indicated, accessory off-street parking spaces, whether permitted or required and whether open or enclosed, shall be used only during the business hours of, and substantially for the owners, occupants, employees, customers, or visitors of the use or uses to which such spaces are accessory.

44-50 ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED OFF-STREET PARKING SPACES44-51 General Provisions

In all districts, as indicated, all permitted or required off-street parking spaces shall conform to the provisions of the following Sections:

Section 44-52 (Size of Spaces)

Section 44-53 (Location of Access to the Street)

Section 44-54 (Surfacing)

Section 44-55 (Screening)

Section 44-56 (Location of Access Near Schools, Parks, or Playgrounds)

M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3

In all districts, as indicated, for all accessory off-street parking spaces, open or enclosed, each 300 square feet of unobstructed net standing or maneuvering area shall be considered one parking space. However, no area of less than 300 square feet may be considered as one space if the Zoning Administrator certifies that the layout and design of the parking area are adequate to permit convenient access and maneuvering. In any event, the dimensions of any parking stall shall be at least eighteen feet long and eight feet six inches wide.

To all districts, as indicated, the entrances and exits for all permitted or required accessory group parking facilities and all permitted commercial parking lots or commercial parking garages with two or more spaces, shall be located not less than 50 feet from the intersection of any two street lines. However, access located within 50 feet of such intersection may be provided if the Department of Traffic certifies that such a location is not hazardous to traffic safety and not likely to create traffic congestion. The requirements for accessory off-street parking spaces set forth in the following Sections shall not apply to any building or zoning lot as to which the Department of Traffic has certified that there is no way to arrange the required spaces in conformity with the provisions of this Section:

Section 44-32 (Special Provisions for a Single Zoning Lot with
Uses Subject to Different Parking Requirements)

In all districts, as indicated, all open accessory off-street parking spaces or permitted commercial parking lots shall be surfaced with asphaltic or portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on zoning lots adjacent to the boundary of a Residence District, either at natural grade or on a roof, shall be ascended from all adjoining zoning lots to Residence Districts (including such zoning lots situated across a street) by either:

(a) A strip at least four feet wide, deosely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screso at least six feet high within three years, or

(b) An opaque wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof).

In addition, such screening:

(a) Shall be maintained in good condition at all times.

(h) May be interrupted by normal entrances or exits, and

(c) Shall have no signs hung or attached thereto other than those permitted in Sections 42-62 (Permitted Accessory Business Signs or Advertising Signs).

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3

44-56 Location of Access Near Schools, Parks, or Playgrounds

In all districts, as indicated, vehicular entrances or exits for all permitted or required accessory off-street parking areas with more than five spaces shall not be located within 300 feet of any exit or entrance for a school (except trade schools for adults), any playground accessory thereto, or any public park or public playground of one-half acre or more, provided that the provisions of this Section shall not apply:

- (a) To a zoning lot which has no access to street frontages unaffected by this restriction, or
- (b) To a zoning lot which has access to street frontages unaffected by this restriction, if the Zoning Administrator determines that there is no practical possibility of designing the off-street parking area without locating entrances or exits within the restricted areas.

DISTRICTS		
M1	M2	M3
M1	M2	M3

OFF-STREET LOADING REGULATIONS

44-60 GENERAL PURPOSES

The following regulations on permitted and required accessory off-street loading berths are adopted in order to provide needed space off public streets for loading and unloading activities, to restrict the use of the streets for such activities, to help relieve traffic congestion in manufacturing and industrial areas within the City, and thus to promote and protect the public health, safety, convenience, prosperity, and other aspects of the general welfare.

44-61 Permitted Accessory Off-Street Loading Berths

In all districts, as indicated, accessory off-street loading berths, open or enclosed, may be provided for all permitted uses, under rules and regulations promulgated by the Zoning Administrator, and subject to the provisions of Section 44-682 (Location of accessory berths), Section 44-683 (Restrictions on location of berths near Residence Districts), Section 44-684 (Surfacing), Section 44-685 (Screening), and Section 44-686 (Location of access near schools, parks, or playgrounds).

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1	M2	M3

44-62 Required Accessory Off-Street Loading Berths

In all districts, as indicated, accessory off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table at the end of this Section and under rules and regulations promulgated by the Zoning Administrator, for all new development after the effective date of this resolution for the community facility, commercial, or manufacturing or related uses listed in the table, except as otherwise provided in Section 44-63 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements), or Section 44-64 (Wholesale, Manufacturing, or Storage Uses Combined with Other Uses), as a condition precedent to the use of such development. For the purposes of this Section, a group of such uses constructed on a tract of land under single ownership or control shall be considered a single zoning lot.

Whenever any use specified in the table is located on an open lot, the requirements set forth in the table for floor area shall apply to the lot area used for such use.

After the effective date of the resolution, if the use of any building or other structure or zoning lot is changed or enlarged, the requirements set forth in the table shall apply to the floor area of the changed or enlarged portion of such building or of the lot area used for such use.

Required Off-Street Loading Berths
For New Construction, Enlargements
or Changes of Use

Type of use	For floor area (in square feet)	Required berths	DISTRICTS		
			M1	M2	M3
Hospitals ^{1/}	First 10,000	None			
	Next 290,000	1	M1	M2	M3
	Each additional 300,000 or fraction thereof	1			
Undertakers or funeral parlors	First 2,500	None			
	Next 2,500	1	M1	M2	M3
	Each additional 10,000 or fraction thereof	1			
Hotels or offices	First 25,000	None			
	Next 75,000	1	M1-1	M2-1	M3-1
	Next 200,000	1	M1-2	M2-3	M3-2
	Each additional 300,000 or fraction thereof	1	M1-4		
	First 100,000	None			
	Next 200,000	1	M1-3	M2-2	
	Each additional 300,000 or fraction thereof	1	M1-5	M2-4	
			M1-6		
	First 8,000	None			
	Next 17,000	1			
<u>Commercial uses</u> All retail or service uses listed in Use Group 6A, 6C, 7B, 8B, 9A, 10A, or 16A All public service uses listed in Use Group 6D or 8C All amusement uses listed in Use Group 8A, 12A, or 14A All automotive service uses listed in Use Groups 7D, 16B, or 16C	Next 15,000	1	M1-1	M2-1	M3-1
	Next 20,000	1	M1-2	M2-3	M3-2
	Next 40,000	1	M1-4		
	Each additional 150,000 or fraction thereof	1			
	First 8,000	None			
	Next 15,000	1	M1-3	M2-2	
	Next 60,000	1	M1-5	M2-4	
	Each additional 150,000 or fraction thereof	1	M1-6		
	First 8,000	None			
	Next 17,000	1	M1-1	M2-1	M3-1
<u>Service, wholesale, manufacturing, or storage uses</u> All service, whole- sale, or storage uses listed in Use Group 10B, 11B, 16E, 17A, or 18B All manufacturing uses listed in Use Group 11A, 17B, or 18A	Next 15,000	1	M1-2	M2-3	M3-2
	Next 20,000	1	M1-4		
	Each additional 80,000 or fraction thereof	1			
	First 15,000	None			
	Next 25,000	1	M1-3	M2-2	
	Next 40,000	1	M1-5	M2-4	
	Each additional 80,000 or fraction thereof	1	M1-6		

^{1/} Requirements in this table are in addition to area utilized for ambulance parking.

Underlined words in text are defined in Section 12-10.

44-63

Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements

In all districts, as indicated, if any building or zoning lot contains two or more uses having different requirements for loading berths as set forth in Section 44-62 (Required Accessory Off-Street Loading Berths), and if

(a) The floor area of each separate use is less than the minimum floor area for which berths are required, and

(b) The total floor area of all the uses for which berths are required is greater than the smallest amount of floor area for which berths are required for any of the uses individually,

off-street loading berths shall be provided as if the total floor area of the uses for which berths are required were used for that use for which the most berths are required.

44-64

Wholesale, Manufacturing, or Storage Uses Combined with Other Uses

In all districts, as indicated, except as provided in Section 44-63 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements), if any building or zoning lot is used partly for wholesale, manufacturing, or storage uses or any combination of such uses, and partly for any other uses set forth in the table in Section 44-62 (Required Accessory Off-Street Loading Berths), at least 50 percent of the floor area in the building shall be subject to the requirements set forth for wholesale, manufacturing or storage uses, and the remainder shall be subject to the other applicable requirements.

44-65

Waiver of Requirements for all Zoning Lots Where Access Would be Forbidden

In all districts, as indicated, the requirements set forth in the following Sections shall not apply to any building or zoning lot as to which the Department of Traffic has certified that there is no way to arrange the required berths with access to the street to conform to the provisions of Section 44-682 (Location of accessory berths):

Section 44-62 (Required Accessory Off-Street Loading Berths)

Section 44-63 (Special Provisions for a Single Zoning Lot Subject to Different Loading Requirements)

Section 44-64 (Wholesale, Manufacturing, or Storage Uses Combined with Other Uses)

44-66

Special Provisions for Zoning Lots Divided by District Boundaries

In all districts, as indicated, if a zoning lot is divided by a boundary between Manufacturing Districts having different requirements for accessory off-street loading berths, the requirements of that district in which the greater proportion of the lot area of such zoning lot is located shall apply. However, the berths may be located without regard to district boundaries, provided that such spaces shall conform to all other applicable regulations for the district in which they are located.

44-67

Joint Loading Berths Serving Two or More Buildings

In all districts, as indicated, required loading berths may be provided in facilities designed to serve jointly two or more adjoining buildings or zoning lots within a single block, provided that:

(a) The number of berths in such joint facilities shall be not less than that required for the total combined floor area of such buildings or zoning lots as set forth in Section 44-62 (Required Accessory Off-Street Loading Berths), Section 44-63 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Loading Requirements) and Section 44-64 (Wholesale, Manufacturing, or Storage Uses Combined with Other Uses),

(b) Direct access is provided from such joint facilities to all such buildings or zoning lots, and

(c) The adequacy and layout of such joint facilities are approved by the Zoning Administrator.

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3
M1	M2	M3

44-68 Additional Regulations for Permitted or Required Berths

In all districts, as indicated, all permitted or required accessory off-street loading berths shall conform to the provisions set forth in this Section.

44-681 Size of required berths

In all districts, as indicated, all required off-street loading berths, open or enclosed, shall conform to the regulations on minimum dimensions set forth in the following table. The dimensions of off-street berths shall not include driveways, or entrances to or exits from such off-street berths.

Minimum Dimensions For Required Accessory
Off-Street Loading Berths
(in feet)

	Length	Width	Height
Hospitals	33	12	12
Undertakers or funeral parlors	25	10	8
Hotels or offices	33	12	12
Commercial uses ^{1/}	33	12	14
Wholesale, manufacturing or storage uses ^{1/}			
With less than 10,000 square feet of floor area	33	12	14
With 10,000 square feet of floor area or more	50	12	14

44-682 Location of accessory berths

In all districts, as indicated, no permitted or required off-street loading berth, and no entrance or exit thereto, shall be located less than 50 feet from the intersection of any street lines. However, a location closer to the intersection of any street lines may be provided if the Department of Traffic certifies that such location is not hazardous to traffic safety and not likely to create traffic congestion.

The requirements for accessory off-street loading berths set forth in Section 44-62 (Required Accessory Off-Street Loading Berths) shall not apply to any building or zoning lot as to which the Department of Traffic has certified that there is no way to arrange the required berths to conform to the provisions of this Section.

44-683 Restrictions on location of berths near Residence Districts

In all districts, as indicated, where accessory off-street loading berths are located within 60 feet of a Residence District boundary, such berths shall be enclosed within a building, and no entrance to or exit from the berths on to the street shall be less than 30 feet from the district boundary.

44-684 Surfacing

In all districts, as indicated, all permitted or required open off-street loading berths shall be surfaced with asphaltic or portland cement concrete, or other hard-surfaced dustless material, at least six inches thick.

44-685 Screening

In all districts, as indicated, all permitted or required open off-street loading berths which are located on zoning lots adjacent to the boundary of a Residence District shall be screened from all adjoining zoning lots in Residence Districts, including zoning lots situated across a street, by either:

^{1/} As set forth in the table in Section 44-62 (Required Accessory Off-Street Loading Berths)

44-685 Screening, continued

- (a) A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or
- (h) An opaque wall or barrier or uniformly painted fence of fire-resistant material, at least six feet but not more than eight feet above finished grade.

In addition, such screening:

- (a) Shall be maintained in good condition at all times,
- (b) May be interrupted by normal entrances and exits, and
- (c) Shall have no signs hung or attached thereto other than those permitted in Section 42-62 (Permitted Accessory Business Signs or Advertising Signs).

44-686 Location of access near schools, parks, or playgrounds

In all districts, as indicated, vehicular entrances or exits for all permitted or required accessory off-street loading berths shall not be located within 300 feet of any exit or entrance for a school (except trade schools for adults), any playground accessory thereto, or any public park or public playground of one-half acre or more, provided that the provisions of this Section shall not apply:

- (a) To a zoning lot which has no access to street frontagee unaffected by this restriction, or
- (b) To a zoning lot which has access to street frontages unaffected by this restriction, if the Zoning Administrator determines that there is no practical possibility of designing the off-street loading berths without locating entrances or exits within the restricted areas.

DISTRICTS		
M1	M2	M3
M1	M2	M3
M1	M2	M3

Explanation of Regulations Governing Non-Conforming Uses and Non-Complying Buildings

Non-Conforming Uses

(Chapter 1 of Article V)

Uses which are not in conformity with the use regulations of the zoning districts in which they are located are called "non-conforming uses". In every city, one of the thorniest zoning problems is the treatment of such uses. The early ordinances, including the original New York City resolution, contained only minimum controls over non-conforming uses, in part because no experience was available to demonstrate the need for suitable controls. The past forty years have shown conclusively that non-conforming uses do not disappear. On the contrary, they are often strengthened in the absence of effective restrictions upon them. As a result there has been a strong trend in zoning ordinances throughout the nation to devise ways in which their effects may be mitigated.

The proposed non-conforming regulations have two primary goals: 1) to bring the New York City resolution into line with zoning practice elsewhere in the nation by providing tools for dealing appropriately with non-conforming uses -- especially the worst types; and 2) to avoid undue hardship on existing uses.

Three types of regulations are proposed:

- 1) Regulations designed to prevent the expansion or further entrenchment of non-conforming uses, including regulations on change, discontinuance, or enlargement of such uses.
- 2) Regulations which will achieve the gradual improvement of the performance of non-conforming industrial uses in Commercial and Manufacturing Districts
- 3) Regulations designed to make a start on the gradual elimination of industrial uses from Residence Districts.

Change of Non-Conforming Use (Section 51-20)

The adverse effects of the several types of non-conforming uses in the various types of districts were analyzed as the basis for the proposed provisions regulating the permitted change of non-conforming uses. In the design of these regulations, maximum utilization was made of the proposed Use Groups, since these groupings of uses were established on the basis of similarity of effect (compatibility) on adjacent uses as well as similarity of function.

The most important application of the change of use regulations is in Residence Districts. In such districts it is proposed that uses in the manufacturing Use Groups, as well as certain commercial Use Groups containing specialized manufacturing and heavy service activities, be permitted to change to the following two categories of uses:

- 1) Those retail and service uses with no appreciable noise or other nuisance characteristics (Use Groups 6-10 and 14). Some noisy amusement uses and heavy traffic-generating uses in these Use Groups, such as bowling alleys (Use Group 8A) and commercial parking lots and garages (Use Groups 8D and 9C) are not included in the permitted new uses.
- 2) Industrial uses, provided that such uses comply with the high performance standards applicable in M1 Districts.

In Residence Districts it is proposed that commercial uses of a non-industrial character be permitted to

change only to commercial uses listed in Use Group 6. Such uses are generally the least objectionable of all commercial uses. The net result of the application of this provision would be a gradual upgrading of such uses. Most buildings occupied entirely or in part by commercial uses can be changed to accommodate the fairly wide range of commercial uses permitted in Use Group 6, or in some cases converted to residential use. The potentiality of the conversion to total residential use of some apartment buildings with first floor commercial occupancy is not insignificant, in sharp contrast to the virtual impossibility of converting industrial buildings to residential use.

In Commercial Districts the proposed change of use provisions for manufacturing and related uses are similar to those outlined previously for Residence Districts. Manufacturing and related uses may change to similar uses if the new uses are able to comply with the performance standards applicable in M1 Districts. In addition, such uses may change to the retail and service uses in Use Groups 7 to 10 as well as the waterfront recreational uses in Use Group 14.

In both Manufacturing and Commercial Districts the proposed regulations are designed to encourage the up-grading of certain types of non-conforming uses as a result of changes of use. In C8 Districts, for example, the large open commercial amusement uses in Use Group 15, such as children's amusement parks on large sites, which generate considerable noise or traffic cannot be changed to a similar use. Similarly, in C1 and C4 Districts such activities as large amusement and service uses which generate appreciable noise, traffic, or other nuisances can only be changed to the less objectionable uses listed in Use Groups 7 or 8.

The regulations outlined above do not apply to the change of use of land when no buildings or structures are involved, or where buildings or structures contain less than 400 square feet of floor area and have an assessed valuation of less than \$2000. In such cases non-conforming uses may be changed only to conforming uses.

Discontinuance, Damage, or Destruction (Section 51-30 and 51-40)

Provisions against the renewal of non-conforming uses after discontinuance are proposed in order to take timely advantage of lapses in the use of such property. Revival of a non-conforming use is not permitted after a year's lapse in operations, or after the building occupied by such a use has been damaged to the extent of more than 50 percent of its value.

Enlargement, Extension, Repairs, or Alterations (Sections 51-50 and 51-60)

The proposed controls over enlargement, extension, structural alterations, or repairs are intended to restrict investments which would tend to prolong the life of a non-conforming use. In general, non-conforming uses are not permitted to be enlarged. However, the proposed provisions do permit limited enlargement or extension of non-conforming uses located in C8 (General Service) or Manufacturing Districts where the non-conforming uses are in a similar but slightly more objectionable Use Group than those permitted in the District. Such uses may be enlarged, provided the applicable performance standards, bulk regulations, and parking regulations are met for the enlarged portion of the building. A more desirable designation of zoning boundaries is thus possible without subjecting such commercial and manufacturing establishments in proposed Residence Districts to an absolute prohibition on needed expansion.

In addition, in C1 Districts two groups of uses which are only slightly more objectionable than the per-

mitted uses may expand on a limited basis if the applicable bulk and parking regulations are met for the enlarged portion of the building. These uses are contained in Use Groups 7 and 8, which consist of home maintenance and repair services. In C4 Districts uses in Use Group 7 are also permitted limited expansion under the conditions cited above.

Normal repairs and maintenance are permitted throughout the life of a non-conforming use, but structural alterations are not permitted with the exception of non-conforming residential uses in General Service (C8) and Manufacturing Districts. Such residential uses may be altered to improve interior livability, provided that the alterations do not increase either the number of dwelling units or the bulk of the building.

Conformity To Performance Standards (Section 51-70)

The proposed regulations discussed previously have been described as indirect methods for controlling non-conforming uses. Although important, such regulations will not achieve adequate long-term solutions for many areas of the City. Other approaches are required in the areas of the City which are characterized by a maze of mixed land uses having serious adverse effects on one another. The blighting effect of many types of industrial uses on residential uses is particularly serious.

One of the most important tasks of zoning is to provide a mechanism for the gradual upgrading or elimination of those non-conforming uses having the most serious blighting effects on adjacent uses. The opportunity is especially significant as a part of the programs of urban renewal and conservation which are currently being developed.

Various uses are harmful in varying degrees, depending upon the type of use and the type of district in which it is located. As noted earlier, perhaps the most serious problems result from the mixture of manufacturing and related uses with normal residential uses in Residence Districts. The regulations designed to control this problem will be discussed in the final part of this section. Noxious industrial uses in Manufacturing and Commercial Districts are also a serious problem, not only for the permitted manufacturing and commercial uses but also for adjacent residential areas. Most of the commercial and industrial areas of the City are separated from residential neighborhoods only by the width of a street or a distance of a few hundred feet. In addition, many nuisances created by industries are not confined to the immediate vicinity of the industrial plants. For example, odors and other types of air pollution can adversely affect whole neighborhoods or sections of the City involving millions of dollars worth of property.

Performance standards are an excellent device for handling such objectionable non-conforming uses in Commercial and Manufacturing Districts. The unique feature of the performance standard approach is that such uses do not need to be eliminated in the traditional way, but merely need to upgrade their performance over a reasonable period of time. Such upgrading frequently happens voluntarily in line with the national trend on the part of responsible industrial management to control industrial nuisances as a part of good community relations. By complying with the required performance standards within the reasonable time periods prescribed, non-conforming uses in Manufacturing Districts can become conforming.

It is proposed that all industrial uses (Use Groups 11A, 17, and 18) and related semi-industrial uses such as automobile repairs (Use Groups 16A, 16B, 16D, 16E, and 16G) in Commercial and Manufacturing Districts be required to upgrade to a reasonable level of performance within 15 years. In Manufacturing Districts such uses must comply with the applicable performance standards of the districts in which they are located. In Commercial Districts performance standards of the M1 Districts are adequate to insure a high level of performance. With a moderate investment, there are very few uses which would be unable to raise their performance to the required

level. The medium performance standards of the M2 Districts can be met without difficulty by all but the most obnoxious and dangerous manufacturing and related uses.

The long-term results of the application of these regulations will be two-fold:

- 1) Adjacent Residence Districts will greatly benefit from the elimination of the objectionable aspects of nearby industries. In extreme cases neighborhood and major sections of the City will benefit from the elimination of serious industrial offenses such as air pollution.
- 2) The ability of Commercial and Manufacturing Districts of the City to hold existing and attract new establishments will be greatly enhanced by the gradual upgrading of industrial performance. The upgrading of these areas cannot be accomplished by the required high level of performance of new industries alone. Existing industries comprise the overwhelming majority of firms and establish the character of these areas. With the general shortage of industrial land and the resultant lack of opportunity for establishing new industrial areas in most parts of the City, a real opportunity is presented for upgrading and enhancing the competitive position of these important parts of the City's economic base.

Elimination of Industrial Uses From Residence Districts (Section 51-80)

Over 40 years of experience in zoning administration have demonstrated that non-conforming uses rarely disappear through voluntary abandonment. Ironically, in certain situations zoning regulations unintentionally grant non-conforming uses monopoly advantages by preventing competing uses from locating in restricted neighborhoods.

In the last three decades municipalities throughout the country have adopted direct means of eliminating at least certain types of non-conforming uses. Most recent American zoning ordinances, especially in large cities, have provisions requiring the elimination of both commercial and manufacturing non-conforming uses in residential districts. A period of years is established allowing a reasonable time in which the investment in non-conforming uses may be amortized and the use then eliminated.

In spite of the strong national trend to develop a system of zoning controls to cope with this problem, the present resolution contains no regulation designed to achieve the gradual improvement of large areas of the City suffering serious damage from existing non-conforming uses.

The proposed regulations are designed to give the City a tool for making a start on a long-range program of eliminating from Residence Districts the worst type of non-conforming uses, namely, manufacturing and related uses. While such uses have to a adverse effects on a residential area if they meet high performance standards, typical plant noises and related nuisances are frequently minor factors compared with the conflicts created in residential areas by traffic and parking problems generated by industrial uses. For this reason, no regulation short of termination offers anything approaching a real solution.

After a thorough review of the various types of non-conforming uses and their impact on adjacent uses, it is proposed that non-conforming uses in Residence Districts be grouped in the following three categories:

- 1) Open uses and signs, representing small investments, whose termination would cause

very minor hardship and greatly benefit surrounding areas.

- 2) Manufacturing and related uses occupying buildings or portions of buildings designed for residential use and therefore easily capable of reverting to such use upon termination.
- 3) Manufacturing and related uses occupying standard industrial buildings.

Various amortization periods are proposed for these categories of use, depending largely on the value of the use and the difficulty of converting to a conforming use. For manufacturing and related uses in industrial buildings, an amortization period is proposed extending 25 years from the effective date of the proposed resolution or 40 years from the issuance of the building permit, whichever is later. This is a very generous time period for making the necessary adjustments. For manufacturing and related uses which occupy buildings designed for residential uses, a shorter period of ten years is proposed since frequently only comparatively minor alterations are required to convert to conforming uses. A three-year amortization period is proposed for signs and open uses where no substantial buildings or other structures are involved.

Non-Complying Buildings

(Chapter 2 of Article V)

Existing buildings which do not comply with the proposed bulk regulations are in a very different category from non-conforming uses. With some prominent exceptions, the impact of such buildings is generally less serious than that of non-conforming uses. In addition, such buildings cannot reasonably be eliminated by any retroactive or restrictive zoning device on the grounds of non-conforming bulk alone. To distinguish this type of problem from that of non-conforming uses, such buildings are termed "non-complying buildings."

It is proposed that non-complying buildings be permitted to continue, and normal maintenance, repairs, and structural alterations be allowed. Enlargements are also permitted, provided no enlargement either creates a new non-compliance or increases the degree of non-compliance of any portion of a building or other structure. Residential buildings non-complying as to the proposed density (lot area per dwelling unit) regulations may be converted and enlarged as long as the non-compliance with the density regulations is not increased. Damaged buildings, when not reduced in value by more than 75 percent, may be restored to their prior degree of non-compliance.

ARTICLE V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Chapter I Non-Conforming Uses

51-00 GENERAL PROVISIONS AND DEFINITIONS

51-01 Definitions (repeated from Section 12-10)

Enlargement, or to enlarge

An "enlargement" is an increase in floor area of an existing building, or an increase in size of an existing structure, or an increase in the area of land used for an existing open use. A structural alteration in a building which does not increase floor area shall not be defined as an enlargement.

To "enlarge" is to create an enlargement.

Extension, or to extend

An "extension" is an increase in the amount of existing floor area used for an existing use in an existing building.

To "extend" is to develop an extension.

Non-conforming

A "non-conforming" use is any lawful use, whether of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this resolution or as a result of a subsequent amendment thereto. However, no principal use shall be deemed non-conforming because of failure to provide required accessory off-street parking spaces or required accessory off-street loading berths, nor because of the existence of accessory signs, business entrances, or show windows which are themselves non-conforming uses.

51-10 CONTINUATION OF NON-CONFORMING USE

51-11 General Provisions

A non-conforming use may be continued, except as otherwise provided in this Chapter.

51-20 CHANGE OF NON-CONFORMING USE

51-21 General Provisions

A non-conforming use may be changed to another non-conforming use only in accordance with the provisions of Section 51-22 (In Residence Districts), Section 51-23 (In Commercial Districts), or Section 51-24 (Subsequent Changes of Use).

51-22 In Residence Districts51-221 Manufacturing or related uses

In all Residence Districts, a non-conforming use listed in Use Group 11A, 16A, 16B, 16D, 16E, 16G, 17, or 18, except a non-conforming use subject to the provisions of Section 51-82 (Non-Conforming Use of Land), may be changed either

- (a) To another non-conforming use listed in any of these same Use Groups, provided that such changed use shall conform to all performance standards applicable in M1 Districts, or
- (b) To any use listed in Use Group 6, 7, 8B, 9A, 9B, 10, or 14.

However, a change of use under the provisions of this Section shall not extend the period of amortization applicable under Section 51-84 (Non-Conforming Manufacturing or Related Uses in Residence Districts) or Section 51-86 (Non-Conforming Manufacturing or Related Uses in Residence Buildings).

51-222 Certain commercial uses

In all Residence Districts, a non-conforming use listed in Use Group 6, 7, 8, 9, 10, 11B, 12, 13, 14, 15, 16C, or 16F may be changed to a non-conforming use listed in Use Group 6.

51-23 In Commercial Districts51-231 Manufacturing or related uses

In all Commercial Districts, a non-conforming use listed in Use Group 11A, 16A, 16B, 16D, 16E, 16G, 17, or 18, except a non-conforming use subject to the provisions of Section 51-82 (Non-Conforming Use of Land), may be changed either

- (a) To another non-conforming use listed in any of these same Use Groups, provided that such changed use shall conform to all performance standards of the M1 Districts, or
- (b) To any use listed in Use Group 7, 8, 9, 10, or 14, or
- (c) To any use permitted as of right in the district.

51-232 Certain commercial uses

In C1, C4, or C8 Districts, as indicated, non-conforming uses listed in the Use Groups set forth in the second column of the following table may be changed to uses listed in the Use Groups set forth opposite such uses in the third column.

Permitted Changes of Non-Conforming Uses		
<u>District</u>	<u>From Use Group</u>	<u>To Use Group</u>
C8	15	A conforming use (4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, or 16)
C4	7, 11B, 13, 15, 16C, or 16F	7
C1	7, 8, 9, 10, 11B, 12, 13, 14, 15, 16C, or 16F	7 or 8

51-24 Subsequent Changes of Use

When a non-conforming use has been changed in accordance with the provisions of Section 51-22 (In Residence Districts) or Section 51-23 (In Commercial Districts), the use of the building or other structure or tract of land shall not thereafter be changed again, except in accordance with those provisions.

51-30

DISCONTINUANCE OF USE

51-31 General Provisions

If a non-conforming use discontinues active or continuous operations for a continuous period of one year, the building or other structure or tract of land where such non-conforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing.

51-40

DAMAGE OR DESTRUCTION

51-41 General Provisions

If a building or other structure containing a non-conforming use is damaged or destroyed by any means, such building or other structure or reconstruction thereof shall thereafter be occupied and used only for a conforming use, if the value of such building or other structure after such damage or destruction is less than 50 percent of its value prior thereto. In establishing value, the Zoning Administrator shall consider only the ratio of the assessed value of such building or other structure, as determined by the Department of Taxation within one month after such damage or destruction, to its current assessed value prior thereto, provided that on appeal the Board of Standards and Appeals may consider any other substantiating evidence of value.

51-50

ENLARGEMENTS OR EXTENSIONS

51-51 General Provisions

A non-conforming use may be enlarged or extended only in accordance with the provisions of Section 51-52 (In C8 or Manufacturing Districts) or Section 51-53 (In C1 or C4 Districts).

51-52 In C8 or Manufacturing Districts

In C8 Districts, a non-conforming use listed in Use Group 17 or 18, or in any C8 or Manufacturing District, a use which does not meet the applicable performance standards for the district, may be enlarged or extended if:

- (a) The enlargement or extension conforms to the performance standards applicable in such district, and
- (b) The enlargement does not exceed 25 percent of the area presently occupied by such non-conforming use, and
- (c) The enlargement does not exceed the applicable bulk regulations for such district, and
- (d) The applicable accessory off-street parking requirements are complied with for the enlarged portion of the use.

51-53 In C1 or C4 Districts

In C1 Districts, a non-conforming use listed in Use Group 7 or 8, or in C4 Districts, a non-conforming use listed in Use Group 7, may be enlarged or extended if:

- (a) The enlargement does not exceed 25 percent of the area presently occupied by such non-conforming use, and
- (b) The enlargement does not exceed the applicable bulk regulations for such district, and
- (c) The applicable accessory off-street parking requirements are complied with for all the enlarged portion of the use.

51-60 REPAIRS OR ALTERATIONS

51-61 Normal Maintenance

Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs or incidental alterations.

51-62 Structural Alterations

No structural alterations shall be made in a building or other structure containing a non-conforming use, except in the following situations:

- (a) When required by law, or
- (b) When made pursuant to an enlargement or extension permitted in Section 51-52 (In C8 or Manufacturing Districts) or Section 51-53 (In C1 or C4 Districts), or
- (c) When made to accommodate a conforming use.

However, in C8 Districts or any Manufacturing District, a building containing residential non-conforming uses may be altered in any way to improve interior livability, provided that no structural alterations shall be made which would increase the number of dwelling units or the bulk of the building.

51-70 REQUIRED CONFORMITY WITH PERFORMANCE STANDARDS

51-71 General Provisions

In all Commercial Districts and in all Manufacturing Districts, any non-conforming use existing at the effective date of this resolution or which may become non-conforming as a result of a subsequent amendment thereto, and listed in Use Group 11A, 16A, 16B, 16D, 16E, 16G, 17, or 18, shall conform to the performance standards specified for the district in which such non-conforming use is located, or, if no performance standards are specified, to the performance standards applicable in M1 Districts. However, such conformity shall not be required until 15 years after the effective date of this resolution or after such later date that the use becomes non-conforming.

51-80 TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION

51-81 General Provisions

In all Residence Districts, non-conforming uses of land, non-conforming manufacturing or related uses, or non-conforming signs may be continued for a reasonable period of amortization as set forth in Section 51-82 (Non-Conforming Use of Land), Section 51-83 (Non-Conforming Signs), Section 51-84 (Non-Conforming Manufacturing or Related Uses in Residence Districts), Section 51-85 (Continuation of Term), or Section 51-86 (Non-Conforming Manufacturing or Related Uses in Residence Buildings), provided that after the expiration of such period the non-conforming uses shall terminate in accordance with the provisions of those Sections.

51-82 Non-Conforming Use of Land

In all Residence Districts, a non-conforming use of land not involving buildings or other structures, or involving buildings or other structures with an assessed valuation of less than \$2,000 and with less than 400 square feet of floor area, may be continued for three years after the effective date of this resolution or after such later date that the use becomes non-conforming, provided that after the expiration of that period such non-conforming use shall terminate.

51-83 Non-Conforming Signs

In all Residence Districts, a non-conforming sign may be continued for three years after the effective date of this resolution or after such later date that the sign becomes non-conforming, provided that after the expiration of that period such non-conforming sign shall terminate. For the purposes of this Section, a non-conforming sign shall not include a sign of a type permitted by the applicable district regulations and which is not more than 200 percent of the permitted size.

51-84 Non-Conforming Manufacturing or Related Uses in Residence Districts

In all Residence Districts, a non-conforming use listed in Use Group 11A, 16A, 16B, 16D, 16E, 16G, 17, or 18, which:

- (a) Is not subject to the provisions of Section 51-82 (Non-Conforming Use of Land) or Section 51-83 (Non-Conforming Signs), and
- (b) Is located in a building or other structure not designed for residential use,

may be continued for 40 years after the original establishment thereof, provided that after the expiration of such period the non-conforming use shall terminate. However, nothing in this Section shall require the termination of a non-conforming use until 25 years after the effective date of this resolution or after such later date that such use becomes non-conforming.

51-85 Continuation of Term

The Board of Standards and Appeals may extend the period of termination in accordance with the provisions of Section 73-14 (Continuation of Non-Conforming Manufacturing or Related Uses in Residence Districts).

51-86 Non-Conforming Manufacturing or Related Uses in Residence Buildings

In all Residence Districts, a non-conforming use listed in Use Group 11A, 16A, 16B, 16D, 16E, 16G, 17, or 18 which:

- (a) Is not subject to the provisions of Section 51-82 (Non-Conforming Use of Land) or Section 51-83 (Non-Conforming Signs), and
- (b) Is located in a building all or substantially all of which is designed or intended for a residential use or for an accessory residential use,

shall terminate within 10 years after the effective date of this resolution or after such later date that such use becomes non-conforming.

Chapter 2 Non-Complying Buildings

52-00 GENERAL PROVISIONS

52-01 Definitions (repeated from Section 12-10)

Non-complying

A "non-complying" building or other structure is any lawful building or other structure which does not comply with the applicable bulk regulations for the district, either at the effective date of this resolution or as a result of a subsequent amendment thereto.

52-10 CONTINUATION OF USE

52-11 General Provisions

The use of a non-complying building or other structure may be continued, except as otherwise provided in this Chapter.

52-20 DAMAGE OR DESTRUCTION

52-21 General Provisions

If a non-complying building or other structure is damaged or destroyed by any means, such building or other structure shall be reconstructed only in accordance with the bulk regulations specified for the district in which it is located, if the value of such building or other structure after such damage or destruction is less than 25 percent of its value prior thereto. In establishing value, the Zoning Administrator shall consider only the ratio of the assessed value of such building or other structure, as determined by the Department of Taxation within one month after such damage or destruction, to the current assessed value prior thereto, provided that on appeal the Board of Standards and Appeals may consider any other substantiating evidence of value.

52-30 ENLARGEMENTS

52-31 General Provisions

A non-complying building or other structure may be enlarged, provided that no enlargement is permitted which would either create a new non-compliance or increase the degree of non-compliance of any portion of the building or other structure.

52-32 Buildings Non-Complying as to Lot Area Per Dwelling Unit Regulations

If a residence or mixed building is non-complying as to the lot area per dwelling unit regulations for the applicable district because the area of the zoning lot is smaller than required for the number and type of dwelling units or rooming units in such residence or mixed building, such residence or mixed building may be converted or enlarged, or the residential use in such mixed building may be extended, provided that the amount by which the area of the zoning lot is smaller than required is not increased.

52-33 Modification of Provisions

The Board of Standards and Appeals may modify the above requirements in accordance with the provisions of Section 73-13 (Enlargement, Extension, or Conversion of Non-Complying Buildings).

52-40 REPAIRS OR ALTERATIONS

52-41 General Provisions

Normal maintenance, repairs, or structural alterations are permitted in a non-complying building or other structure, except that alterations creating enlargements shall be subject to the provisions of Section 52-31 (General Provisions) and Section 52-32 (Buildings Non-Complying as to Lot Area Per Dwelling Unit Regulations).

Explanation of Height Regulations around Major Airports

General Purpose

Since the presence of tall buildings and structures in the vicinity of major airports can be a substantial hazard to air navigation and thus a danger to air passengers and property alike, limitation of their heights is necessary. The importance of unobstructed air approaches to the City's major airports cannot be over-estimated, particularly in view of the sizable increases in air traffic expected to be entering and leaving these air terminals -- traffic which in the future will become more and more vital to the economic well-being of the City. Because of these considerations, the State General Municipal Law permits cities to limit building heights in these areas as a legitimate and necessary function of the police power. Since 1947, the City has restricted heights of buildings around airports as a part of the present zoning resolution.

Section 9-A of the present resolution provides that the special provisions allowing greater heights than those normally permitted in the various height districts do not apply within two miles of the boundary of any publicly owned or controlled airport designated by a resolution of the City Planning Commission. Three airports have been so designated: LaGuardia Field, International Airport, and Floyd Bennett Field. However, since the bulk regulations proposed in the proposed resolution permit greater flexibility in design, and no height restrictions as such will exist, a new

method of controlling heights in these airport areas had to be devised.

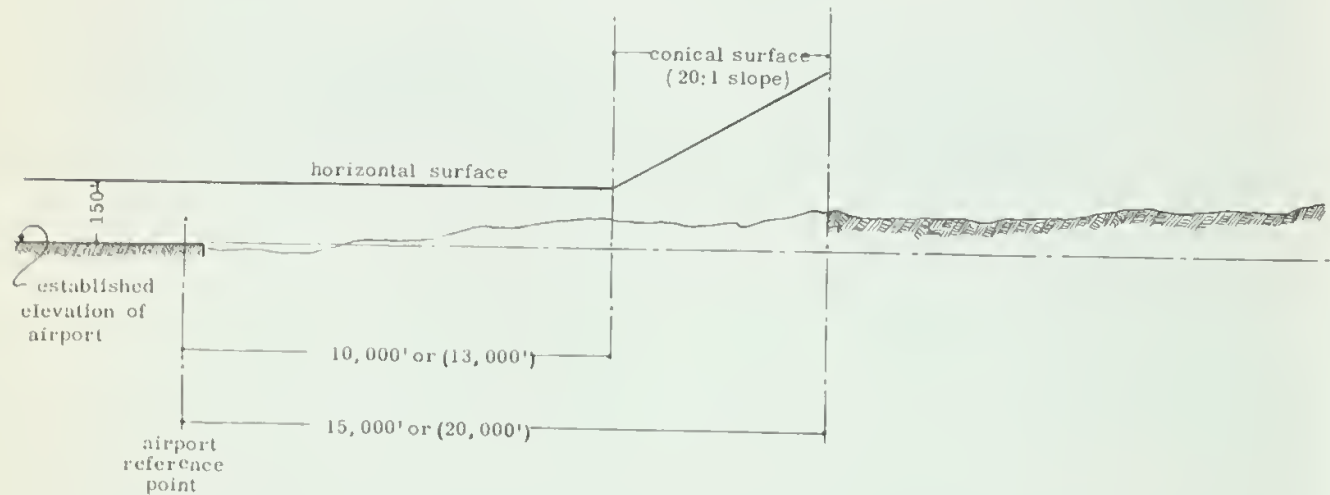
The Proposed Regulations

The proposed regulations are designed to limit heights only to the extent necessary to prevent obstructions to air navigation. The controlling devices closely approximate the criteria established by the Federal Civil Aeronautics Administration to determine flight obstructions and have been developed in close consultation with the Port of New York Authority.

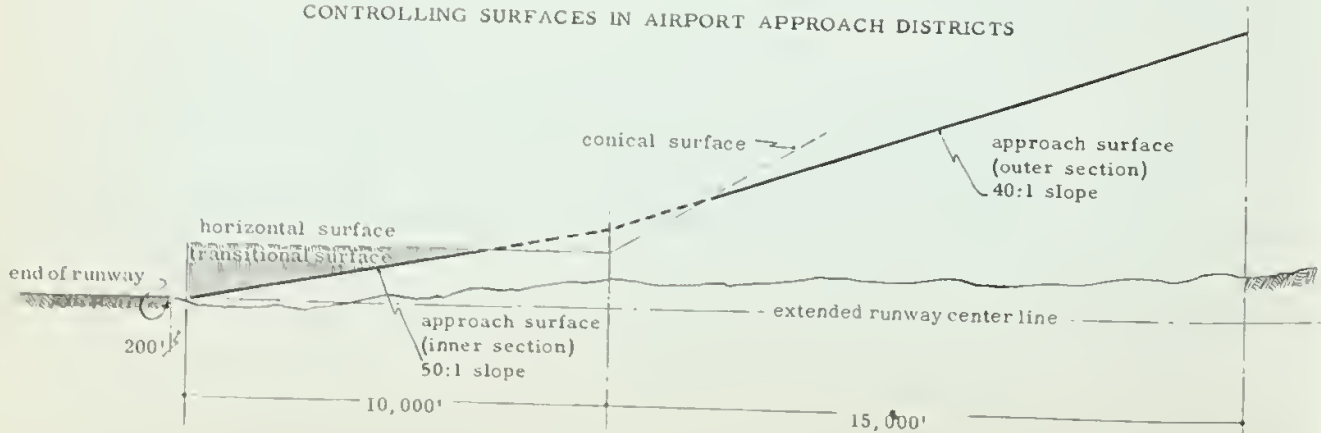
For each of the three airports, a flight obstruction area has been established. These areas differ somewhat in size depending on the size of the airport, but in general, extend from three to five miles from each airport. Within each obstruction area are two types of districts, each having its own set of controls to limit heights. The Airport Approach Districts are designed to limit heights in those areas over which airplanes pass in approaching and taking off from runways. The Airport Circling Districts are designed for those areas over which airplanes pass when circling the airport.

Within each Approach or Circling District, the maximum permitted height is determined by means of certain imaginary surfaces which are located above the obstruction area and whose dimensions are measured with reference to the particular airport. However, despite the height indicated by the controlling surface, any

CONTROLLING SURFACES IN AIRPORT CIRCLING DISTRICTS



CONTROLLING SURFACES IN AIRPORT APPROACH DISTRICTS



building or structure in the obstruction area can be built to a height at least 30 feet above curb level.

Within the flight obstruction area, there are four types of controlling surfaces:

- 1) The approach surface, a flat sloping plane starting from a point near each end of a runway and sloping upward and outward from the runway end, increasing in width as its distance from the end of the runway increases. This surface is approximately five miles long.
- 2) The horizontal surface, a flat plane, circular or elliptical in shape, located 150 feet above the elevation of the airport and extending to a distance of from two to two and a half miles from approximately the center of the airport.
- 3) The conical surface, a sloping surface adjacent to the horizontal surface at its outer edge, forming a rim which slopes upward and outward from the edge of the horizontal surface, to a total distance of from three to four miles from the airport.
- 4) The transitional surfaces, sloping surfaces beginning at the sides of the approach surfaces and runways, and sloping upward until they meet the horizontal or the conical surfaces.

The Airport Approach Districts generally comprise all the area underlying the runway approach surfaces and the accompanying transitional surfaces, while the Airport Circling Districts comprise all the area underlying the horizontal and conical surfaces.

These surfaces put fairly tight restrictions on the critical areas in the Airport Approach Districts but are less restrictive in the less critical areas in the Airport Circling Districts.

The Effect of the Regulations

The sketches on the preceding page illustrate the general controlling surfaces in the Airport Approach and Airport Circling Districts.

For the three major airports within the City, flight obstruction maps have been prepared and inserted inside the back cover of this proposed resolution. These maps indicate graphically the location of the controlling surfaces. Through these maps, the maximum permitted height for any structure may be quickly calculated by subtracting the established curb elevation of the property from the height indicated by the controlling surface.

In the Approach and Circling Districts around International Airport and Floyd Bennett Field, the heights permitted would be well above most existing buildings as well as buildings likely to be built in the future. Virtually all the areas in these Districts are zoned for low-density (R3 and R4) residential uses. The Approach and Circling Districts south of La Guardia Field are those in which the controlling surfaces are closest to existing building heights, particularly in the Approach District to the northeast-southwest instrument runway. In the area east of St. Michael's cemetery, the controlling surfaces would limit the heights of buildings about one-half mile from the end of the runway to 40 or 50 feet. In the heart of Jackson Heights, however, where the horizontal surface governs, building heights of 100 feet or more would be permitted. Thus, new buildings in the R6 and R7 Districts of Jackson Heights could take at least partial advantage of the bulk and density bonuses.

ARTICLE VI

SPECIAL HEIGHT REGULATIONS APPLYING AROUND MAJOR AIRPORTS

Chapter I Restriction of Maximum Height of Buildings

61-00 GENERAL PROVISIONS

The maximum height of buildings or other structures shall be regulated by the special controls set forth in this Article established pursuant to the authority conferred under Article 14 of the General Municipal Law, in order to prevent the construction of obstructions to air navigation in the vicinity of major airports, and thus to protect the lives and property of persons residing within such vicinity and of persons in airplanes which are approaching, taking off from, or circling such airports, thereby promoting the public health, safety, and other aspects of the general welfare.

The definitions applicable to this Article are set forth in Section 61-30.

61-10 FLIGHT OBSTRUCTION AREAS

61-11 Establishment of Flight Obstruction Areas

In the vicinity of any airport designated by resolution of the City Planning Commission as a major airport, a flight obstruction area is hereby established for each such major airport.

61-12 Incorporation of Flight Obstruction Maps

Each flight obstruction area shall be divided into two parts, the Airport Approach District and the Airport Circling District, as described in this Section, and as shown on the accompanying flight obstruction area maps for each major airport. Such maps are hereby incorporated into this resolution, and shall be as much a part of this resolution as if fully set forth and described herein. The boundaries of such Airport Approach Districts and Airport Circling Districts do not necessarily coincide with the boundaries of the districts established in Section 11-13 (Establishment of Districts) of this resolution.

61-121 Airport Approach District

The Airport Approach District comprises those parts of the flight obstruction area of any major airport which lie generally below the flight path of aircraft approaching or taking off from the runways of such airport, and, more specifically, below the following airport referenced imaginary surfaces: the approach surfaces, the transitional surfaces, and those parts of the horizontal surface and the conical surface which coincide with such approach surfaces and transitional surfaces.

61-122 Airport Circling District

The Airport Circling District comprises those parts of the flight obstruction area of any major airport which lie generally below the flight path of aircraft circling such airport, and, more specifically, below those parts of the horizontal surface and the conical surface which do not coincide with the approach surfaces and the transitional surfaces.

61-20 HEIGHT RESTRICTIONS

61-21 Restriction on Highest Projection of Building or Structure

Notwithstanding any other provisions of this resolution, except as provided in Section 61-22 (Permitted Projection within Any Flight Obstruction Area), the highest projection

Underlined words in text are defined in Section 12-10, except technical terms applicable to this Article only, which are defined in Section 61-30.

61-21 Restriction on Highest Projection of Building or Structure, continued

of any building or other structure hereafter constructed, or of any existing building or other structure hereafter relocated, enlarged or reconstructed shall not penetrate:

- (a) The approach surfaces, the transitional surfaces, the horizontal surface, or the conical surface, whichever is more restrictive, within the Airport Approach District of the flight obstruction area, and
- (b) The horizontal surface or the conical surface within the Airport Circling District of the flight obstruction area.

61-22 Permitted Projection within Any Flight Obstruction Area

However, within a flight obstruction area the highest projection of any such building or other structure may, in any event, extend to a height of 30 feet above curb level.

61-30 DEFINITIONS

FLIGHT OBSTRUCTION AREA

The "flight obstruction area" comprises all areas of land or water below the airport referenced imaginary surfaces for each airport.

AIRPORT REFERENCE POINT (OR POINTS)

The "airport reference point" (or "points") is a point (or points) within the boundaries of each major airport, as indicated on the flight obstruction area maps for each such major airport. The point or points applicable to each major airport are set forth in the table at the end of this Section.

ESTABLISHED AIRPORT ELEVATION

The "established airport elevation" is the elevation above mean sea level of the highest point of the usable airport landing area for any major airport. The elevation applicable to each major airport is set forth in the table at the end of this Section.

AIRPORT REFERENCED IMAGINARY SURFACES

"Airport referenced imaginary surfaces" include the horizontal surface, the conical surface, the approach surfaces, and the transitional surfaces.

HORIZONTAL SURFACE

The "horizontal surface" is an imaginary horizontal plane, circular or elliptical in shape, which

- (a) Is located at a height 150 feet above the established airport elevation for any major airport, and
- (b) Has a radius as set forth in the table at the end of this Section, measured horizontally from the airport reference point (or points).

CONICAL SURFACE

The "conical surface" is an imaginary inclined surface extending upward and outward from the periphery of the horizontal surface, which

- (a) Rises at a slope, measured in an imaginary vertical plane passing through the airport reference point (or points), of one foot for every 20 feet in horizontal distance, and
- (b) Extends for a distance, as set forth in the table at the end of this Section, measured on a horizontal radius from the airport reference point (or points).

61-30

DEFINITIONS, continued

APPROACH SURFACES

The "approach surfaces" are imaginary inclined planes, trapezoidal in shape and located symmetrically with respect to the extended centerline of any runway. Such approach surfaces, extending from both ends of any runway, consist of contiguous inner and outer sections whose dimensions are as follows:

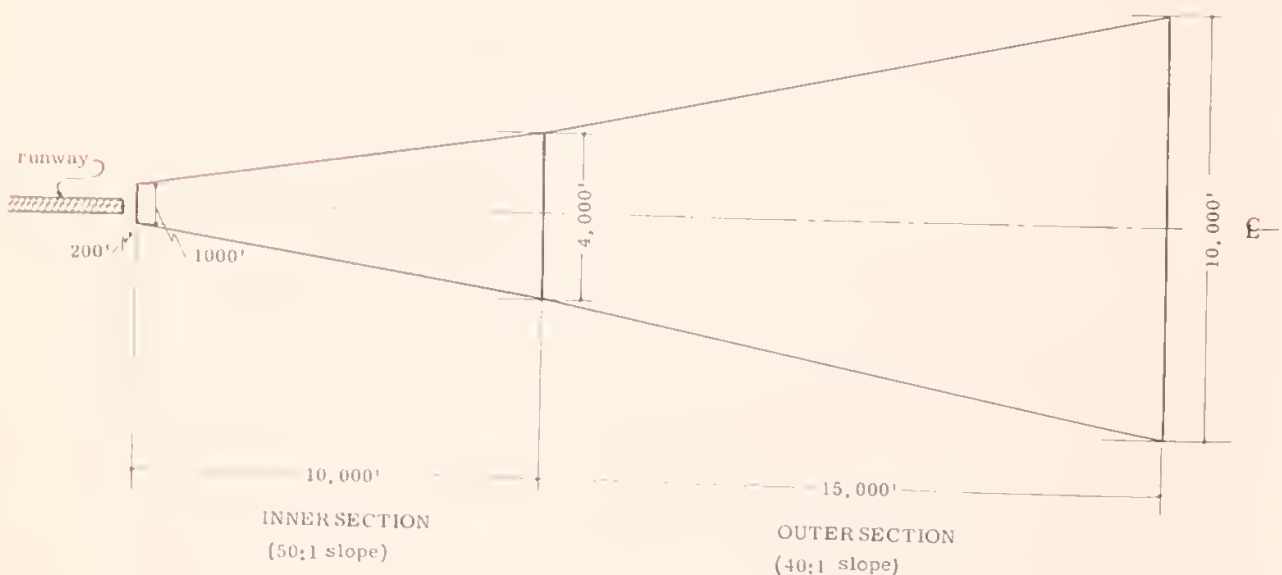
The plane of the inner section:

- (a) Begins at a line drawn parallel to, and at the same elevation as, the end of the runway, and at a distance, measured horizontally along the extended runway centerline, of 200 feet from the end of the runway, and
- (b) Extends for a distance of 10,000 feet, measured horizontally along the extended runway centerline, and
- (c) Has a width of 1,000 feet measured along the line described in (a) above, which increases uniformly (with respect to the extended runway centerline) to a width of 4,000 feet at the outer edge of such inner section, as described in (b) above, and
- (d) Rises at a slope of one foot in height for every 50 feet of horizontal distance.

The plane of the outer section:

- (a) Begins at the outer edge of the inner section, and
- (b) Extends for a distance of 15,000 feet, measured horizontally along the extended runway centerline, and
- (c) Has a width of 4,000 feet commencing at the outer edge of the inner section, which increases uniformly (with respect to the extended runway centerline) to a width of 10,000 feet at the outer edge of such outer section, and
- (d) Rises at a slope of one foot in height for every 40 feet of horizontal distance.

DESCRIPTION OF APPROACH SURFACE



Underlined words in text are defined in Section 12-10, except technical terms applicable to this Article only, which are defined in Section 61-30.

61-30

DEFINITIONS, continued

TRANSITIONAL SURFACES

The "transitional surfaces" are imaginary inclined planes extending upward and outward from the side edges of all approach surfaces, and from lines parallel to, 500 feet from, and at the same level as the center line of each runway, which

- (a) Rise at a slope of one foot in height for every seven feet of horizontal distance measured in a vertical plane at right angles to the centerline of the runway, and
- (b) Extend to the point of intersection with the horizontal surface or the conical surface.

Application of Airport District Regulations to Airports Designated by the
City Planning Commission as Major Airports

Airport	LaGuardia	New York International	U.S. Naval Air Station (Floyd Bennett Field)
Airport Reference Point(s)			
<u>Primary point</u>			
North Latitude	40° 46' 29.0"	40° 38' 19.4"	40° 35' 33.0"
West Longitude	73° 52' 20.0"	73° 46' 21.8"	73° 53' 27.5"
<u>Secondary point</u>			
North Latitude	--	40° 38' 57.9"	--
West Longitude	--	73° 47' 47.9"	--
<u>Established airport elevation (feet above mean sea level)</u>	20	12	15
<u>Horizontal surface radius, measured in feet from airport reference point(s)</u>	10,000	13,000	11,500
<u>Conical surface radius, measured in feet from airport reference point(s)</u>	15,000	20,000	18,500

Explanation of Administrative Regulations

As the technology of zoning and land use planning advances, some revisions in the methods of zoning administration become necessary. The proposed resolution incorporates many new advances in zoning technique which are designed both to give more precise and accurate control over land uses and building bulks, and to produce maximum flexibility in building design and operation. Some changes are therefore required in the interests of effective administration, although many aspects of the existing administrative framework are working well and are left untouched.

The proposed modifications in the administration of the zoning resolution are of two kinds: 1) changes that are included in the text of Article VII of the proposed resolution and 2) changes that involve amendments to the City Charter or other existing laws and administrative rules.

The second type of recommendation cannot be included in the text of the proposed resolution. However, these recommendations are discussed in this report, since they constitute some of the more important administrative proposals.

The explanation of the proposed administrative provisions has been divided into four parts: 1) the enforcement procedures, 2) the procedures for amending the resolution, 3) the duties and responsibilities of the Board of Standards and Appeals, and 4) the procedures and standards for guiding the issuance of special permits.

Enforcement of the Resolution

The Department of Buildings has long been charged with administering and enforcing laws governing the use of land and the construction and use of buildings and other structures within New York City. It is presently responsible for administering all major laws involving buildings and land use, including the Building Code, the New York State Multiple Dwelling Law, the New York City Multiple Dwelling Code, and the zoning resolution.

It is proposed that the present jurisdiction of the Department of Buildings with respect to the zoning resolution continue unchanged. To achieve more effective procedures of enforcement and administration of the new resolution, however, some modification of the internal organization and functions within the Department are proposed. Since the first step towards this objective involves an amendment to Chapter 2C of the New York City Charter, specific provisions for enforcement and administration by the Department of Buildings have not been included in the proposed resolution.

The recommended changes are made against the background of two primary considerations:

- 1) The need for a small but technically capable staff to be added to the Department of Buildings to handle such specific problems as the administration of industrial performance standards and the other proposed technical controls over land use and building bulks.
- 2) The desire to utilize existing personnel in the Department of Buildings and its Borough offices in order to avoid the expense and possible duplication of function inherent in building up a large zoning staff.

To accomplish these objectives, it is proposed that a new division be created in the Department of Buildings, consisting of a small centralized staff located in the main departmental office. It is further proposed that this new division, the Division of Zoning Administration, be headed by a Zoning Administrator, with the title of deputy to the Commissioner and with parallel status to the current two deputies. This proposed division would function just as the present Division of Housing functions in administering the Multiple Dwelling Law and would administer the zoning

resolution, subject to the direction and control of the Commissioner.

It is proposed that the Zoning Administrator be required to have at least 10 years experience as an architect, engineer, city planner, or in a related profession and to have the experience and technical knowledge needed to make decisions on the application of the provisions of the proposed zoning resolution. It is further proposed that the Zoning Administrator be empowered to appoint the staff of the Division of Zoning Administration with the approval of the Commissioner.

Among the powers and duties to be performed by the Zoning Administrator under the supervision and control of the Commissioner are the following:

- 1) To review applications for building permits and attach zoning certificates, as explained later in this section, to such applications when the provisions of the zoning resolution are met.
- 2) To review applications for certificates of occupancy in the case of manufacturing or other similar uses subject to performance standards and to issue certificates of occupancy in all cases where a building permit is not required.
- 3) To appear at proceedings on appeal or application before the Board of Standards and Appeals in order to present information that may help the Board in making its decision, and to take appeals from the decision of the Board for review by an appropriate court, if, in consultation with the Corporation Counsel, the Commissioner or Zoning Administrator considers such action to be appropriate.
- 4) To maintain public records of all zoning certificates and certificates of occupancy, of all appeals taken from the interpretation of the Commissioner or Zoning Administrator, of all applications made to the Board of Appeals or City Planning Commission for special permits, of all actions taken by the Board of Standards and Appeals, of all violations of the resolution, and of all amendments to the resolution.
- 5) To maintain records of specified non-conforming manufacturing uses subject to termination.
- 6) To interpret the provisions of the resolution and make appropriate rules and regulations for the enforcement and administration of the resolution. Among others, these include a) the granting of permission, in accordance with the standards set forth in the resolution, for large accessory off-street parking facilities, and for the off-site location of parking facilities accessory to community facilities in Residence Districts; and b) the making of rules and regulations for the operation of accessory parking facilities in Residence Districts and for the provision of accessory off-street loading berths in all districts.
- 7) To order in writing the remedying of any condition which is a violation of any provision of the proposed resolution.

Since the proposed Division of Zoning Administration would have a rather small centralized staff, not all of the administrative duties involving the proposed resolution could effectively be given to it. Therefore, it is proposed that the Commissioner be empowered to delegate to the Superintendent of Buildings of each Borough the functions of issuing certificates of occupancy, except as provided above, and of conducting

inspections to check compliance with the provisions of the zoning resolution.

Certain proposed changes in the procedure for issuing building permits and certificates of occupancy have been referred to in describing the duties of the Zoning Administrator. It is proposed that no building permit for the use of land or the construction of or addition to any building or other structure, or for the reconstruction, alteration, or enlargement of any existing building or other structure, shall be granted unless the Zoning Administrator attaches a "zoning certificate" to the application for a building permit. Such zoning certificate shall state that the proposed construction or use complies with all the provisions of the zoning resolution. Where approval by any other department or agency is required under the provisions of the proposed resolution, the Zoning Administrator would attach a "zoning certificate" to the permit only after the approval of the appropriate department or agency had been recorded on the building permit application for a manufacturing or other similar use which must comply with performance standards would be required to contain a description of the proposed operations in sufficient detail to enable the Zoning Administrator to determine whether the proposed architectural and engineering plans and the proposed specifications for construction and installation of machinery or other mechanical devices or techniques would enable the applicant to comply with the applicable district performance standards. In order to make this determination, the Zoning Administrator would be empowered to require the submission of reports and the carrying out of tests by expert consultants at the expense of the applicant.

The Borough Offices of the Department of Buildings would continue their present functions of conducting inspections and issuing certificates of occupancy in almost all cases, since it can be readily determined that the completed building conforms to the zoning certificate. However, because of the technical and specialized nature of the determinations respecting compliance with performance standards, it is proposed that in the case of manufacturing and related uses the Zoning Administrator review the application for a certificate of occupancy and certify such compliance before the Borough Office issues the certificate of occupancy. In addition, in all instances where no building permit is required, as for example, a new use of land not involving buildings or other structures, or a change in an existing use, the certificate of occupancy would be issued directly by the Zoning Administrator.

Amendments

Under the New York City Charter, the City Planning Commission and the Board of Estimate have a joint responsibility for the adoption of any amendment to the zoning resolution. The City Planning Commission has the exclusive power to initiate resolutions to amend, and after adoption by the Commission such resolutions are filed with the Board of Estimate. The Board is then authorized under the Charter to approve, disapprove, or modify the resolution. Amendments may be adopted by a majority of the Board, or, if the Board fails to act within a specified time, the resolution is deemed approved. When the Board modifies or rejects a resolution of the Planning Commission, however, the requisite vote is increased to three-quarters.

Twenty years of operation under these Charter requirements have demonstrated that the practice is effective in New York City; accordingly, no revision is proposed of the basic structure provided in Sections 200 and 201 of the New York City Charter. The proposed changes relate to improving the more specific aspects of the amendment procedure and entail comparatively insignificant modifications in the established framework.

Proposed Charter Amendments

Two amendments of the Charter are recommended:

- 1) A minor modification of the Charter concerns

Board of Estimate procedures. Whenever 20 percent of the owners in or near an area affected by a zoning change have filed a protest in the Board of Estimate in opposition to a resolution of the City Planning Commission, the Board of Estimate may deliberate for 180 days before adopting the amendment. During this prolonged period, builders are able to establish, or at least claim, a vested right to continue construction, frequently under less restrictive provisions which the Planning Commission has already voted to change. It is proposed that this period be reduced to 90 days. This is sufficient time to enable the Board to study the merits of the amendment as well as to permit the organization and presentation of objections by those protesting. Many last-minute attempts to obtain vested rights in developments inappropriate for the particular area would thereby be prevented.

- 2) A second proposed amendment of the Charter is aimed at providing a more effective system of notification when a zoning change is under consideration. At present, when the Commission initiates a resolution to amend (and such resolutions comprise the great majority of amendments), the only required notice of public hearings is publication in the City Record. Under this practice an owner who has failed to read the City Record regularly may find that the district regulations applying to his property have been changed without his knowledge. On the other hand, whenever the Commission initiates a resolution to amend under Section 201 of the Charter on behalf of 50 per cent of the owners in the area, it is presently required that formal notice be supplemented. Petitioners must notify property owners within a specified radius by registered mail, and post notices within a prescribed area.

In order to provide for a more adequate system of notification, it is proposed that in proceedings initiated by the City Planning Commission, the Commission be responsible for publishing, in addition to the required notice in the City Record, the time, place, and substance of the proposed amendment in at least one newspaper of city-wide circulation.

Board of Standards and Appeals

The responsibilities delegated in the Board of Standards and Appeals in effectuating the provisions of the proposed resolution are identical with those now established in the Charter. These powers include four primary functions:

- 1) To make appropriate rules and regulations for enforcing the provisions of the resolution, whenever expressly authorized.
- 2) To act on appeals for interpretation of the resolution.
- 3) To grant special permits for additional uses in certain districts and for specified modifications of the regulations.
- 4) To grant variances in cases of practical difficulties or unnecessary hardship.

Variances

A proposed modification of the provisions of the present resolution is the enumeration of specific findings which the Board of Standards and Appeals is required to make before granting a variance. This proposed innovation will involve no significant deviation in the Board's current practice of granting use variances. For the past twenty years, the New York courts have held that a variance can be sustained only if the record of the Board of Standards and Appeals demonstrates that findings, generally similar to those proposed, have been made. Such findings are, there-

fore, primarily a codification of the New York case law and closely paraphrase the findings required in the leading case of Otto Steinhilber^{1/}, as amplified and developed by subsequent decisions in a widely litigated field.

Bulk Variances

It is further proposed that the Board apply the same standards to appeals for variances of both the use and bulk provisions. Unwarranted breaches in the density, Floor Area Ratio, Open Space Ratio, or other proposed bulk regulations would have a serious impact on the character of a neighborhood and would destroy the integrity of the proposed resolution.

Under a recent trend in New York State court decisions, "area" variances (synonymous with "bulk" as used in the proposed resolution) have been sustained on the grounds of practical difficulties alone, and the traditional findings developed around the meaning of unnecessary hardship in the case of use variances have been disregarded.^{2/} The criteria for determining the existence of practical difficulties and endowing the Board with unlimited discretion to grant area variances are restricted in the proposed resolution.

One noteworthy exception to this general recommendation is that the right to appeal for a variance in the bulk regulations is specifically permitted to "run with the land" to avoid the restriction against self-created hardship.

The proposed resolution provides that before granting any variance of either the use or bulk provisions, the Board must make all of the following findings:

- 1) That there are unique physical circumstances (such as peculiar shape of the zoning lot, or unusual topographical features on the property) which cause the practical difficulties or unnecessary hardship, rather than circumstances or conditions which the provisions of the resolution create generally in the neighborhood or district.
- 2) That because of such physical circumstances or conditions, development of the property in strict conformity with the provisions of the resolution would not bring a reasonable return and that therefore a variance is necessary to enable the owner to realize a reasonable return from the property.

^{1/} 282 N.Y. 71, 24 N.E. 2d 851 (1939). In the language of the Steinhilber case: "Before the Board may exercise its discretion and grant a variance upon the ground of unnecessary hardship, the record must show that: 1) the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone; 2) that the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself; and 3) that the use to be authorized by the variance will not alter the essential character of the locality".

^{2/} The decision in *Matter of Bronxville v. Francis*, 1 App. Div. 2d 236, 150 N.Y.S. 2d 906 (2nd Dept., 1956) affirmed without opinion, 1 N.Y. 2d 839, 153 N.Y.S. 2d 320 (1957), most fully expresses current reasoning and has particular significance since it was affirmed by the Court of Appeals. The court sustained the grant of an area variance to permit the construction of a new building at a bulk in excess of the permitted floor area ratio, on the ground that a new conforming building would not provide a reasonable return. In the absence of a statutory provision to the contrary, the court held, such variances require only a showing of practical difficulties -- in this case, an insufficient return on investment -- and traditional rules for variances are inapplicable.

- 3) That a variance will not alter the character of the neighborhood in which the property is located, nor impair the appropriate use of adjacent property, nor be detrimental to the public welfare.

- 4) That such practical difficulties or unnecessary hardship have not been self-created, except that in the case of variances of the bulk or off-street loading provisions, the fact that the property was purchased with the knowledge of the provisions appealed from shall not itself preclude the granting of a variance.

- 5) That the variance is the minimum variance within the intent and purpose of the proposed resolution, and specifically, in the case of an appeal for a use variance, that a variance of the applicable bulk regulations would not be sufficient.

In addition, it is proposed that the Board be permitted to prescribe such restrictions as it deems necessary to minimize the injurious effects of the variance. Failure to comply with all such conditions and restrictions constitutes a violation of the resolution. These proposed provisions conform to the present practice of the Board.

Special Permits

A number of uses with unique characteristics cannot be controlled adequately by the general regulations and, therefore, must have additional special standards or conditions attached to their development to insure that the public interest is fully protected. Such uses, called "special permit uses", may only affect their immediate vicinity or may have an impact over a large area because of size, traffic-generating potential, or other characteristics. Therefore, their location, design, and conditions of operation require special administrative review in order to determine whether they are appropriate in a given area. This review is obtained in the process of securing a special permit granted by the administrative agency if certain standards are met.

The limited number of special permit uses contained in the proposed resolution has been discussed earlier, in the explanations preceding the residential, commercial, and manufacturing use regulations. Such uses may be developed in the districts specified if special permits are granted by the appropriate administrative agency after findings are made that the special standards and conditions proposed in Chapters 3 and 4 of Article VII have been met.

In the proposed resolution, two agencies are empowered to grant special permits, the Board of Standards and Appeals and the City Planning Commission. It is proposed that the Board grant permits for those uses which have no special traffic or other related major planning problems, while the Planning Commission grant permits for those uses whose location has city- or community-wide impact or whose characteristics may require special planning study.

Special Permits by Board of Standards and Appeals

Among the special permit uses proposed to be administered by the Board of Standards and Appeals are the following:

- 1) Public utility services -- gas or electric substations, water or sewage pumping stations, telephone exchanges, or police or fire stations (in Residence Districts).
- 2) Radio or television towers (in all districts)
- 3) Day camps, outdoor (in Residence, C1, C2, and C3 Districts)
- 4) Schools, colleges, or universities (in C8 and M1 Districts)
- 5) Theaters (in C1 Districts)

- 6) Gasoline service stations (in C2, C3, and C7 Districts)
- 7) Commercial beaches or swimming pools (in C3 Districts)
- 8) Children's amusement parks of limited site size (in C8 and M1 Districts)
- 9) Sand, gravel, and clay pits (in all districts)

Two types of standards or conditions are proposed to guide the findings of the Board of Standards and Appeals in reviewing applications for special permits. The first are general standards or conditions which apply to all special permit uses, while the second are specific conditions which vary with each individual use.

One objective of the general standards or conditions is to insure that any new development or enlargement will not interfere with approved or pending public improvements. It is proposed that the City Planning Commission certify that no such interference is anticipated. For those uses which attract substantial amounts of traffic, it is proposed that the Department of Traffic certify that the proposed location will not cause substantial traffic congestion.

For each special permit use, specific standards or conditions are also proposed. The standards are aimed at generally establishing limits on the size, capacity, or density of most special permit uses. In addition, those uses which may generate appreciable traffic are required to comply with standards for the location of the entrances and exits of vehicles.

To insure adequate protection, it is proposed that the Board be empowered to attach special provisions to the grant of the permit. When necessary, the Board may require the developer to take appropriate additional measures, such as limiting the size of illuminated signs or providing additional screening and fencing along lot lines.

The special findings the Board must make, or the special conditions the applicant must meet, vary with each use for which a special permit is needed. In the case of a fire station or police station, for example, the Board must find that it will serve the surrounding residential area, that there is no practical possibility of serving the area from a facility located in a district where it may be located as of right, that it is not located on a local street, and that it is so located as to draw a minimum of vehicular traffic to and through such streets.

The granting of special permits for gasoline stations requires a specific series of special findings. For instance, the Board must find that such facility will serve the needs of the surrounding area; that such area could not be served from a facility located in a nearby district where it could be located as a matter of right; that the site area is no smaller than 10,000 nor greater than 15,000 square feet; that the use is so located as to minimize vehicular traffic to and through local residential streets; and that the site is so designed as to provide reservoir space for five waiting automobiles in addition to any available at the pumps or in an enclosed lubricatorium.

Similar special findings or conditions are specified for other uses for which the Board may grant special permits.

Special Permits by the City Planning Commission

As stated earlier, those special permit uses whose location may have a city- or community-wide impact and whose characteristics require special planning study are proposed to be administered by the City Planning Commission. This proposal is in accordance with various provisions in the present resolution requiring administrative supervision by the City Planning Commission of such uses as large parking facilities, bus stations, drive-in theaters, and airports.

Among the special permit uses proposed to be administered by the City Planning Commission are the following:

- 1) Arenas, auditoriums, stadiums, or trade expositions (in C4, C6, C7, C8, and Manufacturing Districts)
- 2) Drive-in theaters (in C7, C8, and Manufacturing Districts)
- 3) Racetracks (in C8 and Manufacturing Districts)
- 4) Children's amusement parks on large sites (in C8 and M1 Districts)
- 5) Commercial parking garages or lots (in C1 Districts, with a capacity of 100 cars or less, and in C2, C4, C6, C7, C8, and Manufacturing Districts, with a capacity of 150 cars or more)
- 6) Railroad passenger stations (in all districts)
- 7) Bus stations with 10 or more berths (in C4, C6, and Manufacturing Districts)
- 8) Bus stations with fewer than 10 berths (in C1, C2, C4, C6, C7, C8, and Manufacturing Districts)
- 9) Trucking terminals or motor freight stations on large sites (in C8 Districts)
- 10) Airports (in Manufacturing Districts)
- 11) Heliports (in C6, C8, and Manufacturing Districts)

After approval by the Commission, it is proposed that the special permit application be sent to the Board of Estimate which, within 60 days of receiving the application, may disapprove it by a majority vote. If no action is taken by the Board of Estimate, the proposed use shall then be deemed authorized on the 61st day after the application is received by the Board of Estimate.

It is proposed that applicants for a special permit submit a site plan and a diagram of the neighborhood within a one mile radius of the proposed location, showing the major streets and highways and the location of other major traffic generators. The Commission must then make the following general findings:

- 1) That all facilities conform to all applicable officially adopted Master Plans, and particularly the Master Plan of Arterial Highways and Major Streets.
- 2) That the vehicular entrances and exits are located at least 300 feet from the entrances and exits for a school, a public playground, or a park a half acre or more in area.
- 3) That the facility conforms to all the bulk, parking, and other applicable regulations of the district in which it is located.
- 4) That the location, design, and method of operation of the proposed use will minimize those effects which might be harmful to the character of the surrounding area.

In addition, each special permit application for large-scale traffic-generating uses must be submitted to the Department of Traffic for a report on possible traffic problems that would result from the proposed location and design.

Additional standards or conditions specifically applicable to the particular use must also be made by the Commission. These standards are primarily directed toward minimizing the effects of the traffic that such uses attract. For example, some uses are prohibited from having access on local streets but must have

their major access on a secondary or major street or an arterial highway. Other uses are required to have the means of access designed in such a way as to draw a minimum amount of traffic through residential streets. Furthermore, those uses which are characterized by a fairly high volume or high turnover of automobile traffic must provide adequate reservoir space at entrances to their parking areas to keep the entrances and streets clear of waiting cars. In addition, the largest traffic generators (arenas, auditoriums,

stadiums, trade expositions, and race tracks) must be located near bus and transit facilities.

As a condition to the grant of the permit, it is also proposed that the Commission be empowered to require that certain measures be taken by a developer to safeguard the surrounding areas from potential nuisances and dangers. Where necessary, the size and illumination of signs must be restricted, floodlights shielded from surrounding areas, roads and driveways surfaced, and screening, landscaping and sound-proofing provided.

ARTICLE VII ADMINISTRATION

Chapter 1 Enforcement and Administration

71-00 ENFORCEMENT AND ADMINISTRATION BY DEPARTMENT OF BUILDINGS

The Commissioner of the Department of Buildings shall administer and enforce this resolution. The Zoning Administrator shall carry out all the powers and duties assigned to him in connection with this resolution under the direction and control of the Commissioner.

Chapter 2 Appeals for Interpretation and for Variances

72-00 POWERS OF THE BOARD OF STANDARDS AND APPEALS

72-01 General Provisions

The Board of Standards and Appeals (referred to hereinafter as the Board), pursuant to the provisions of the New York City Charter and of this resolution, shall exercise appellate jurisdiction over appeals for interpretation of this resolution and appeals for variances.

72-02 Jurisdictional Requirements

In all such appeals, the powers of the Board shall be strictly construed. The requirements for special findings as set forth in this Chapter shall constitute in each specific case a condition precedent to the grant of a variance. Each decision of the Board shall set forth all required findings, and each such finding shall satisfy the jurisdictional requirements only if substantiated by evidence in the record.

72-10 APPEALS FOR INTERPRETATION

The Board shall hear and decide appeals where it is alleged that there is an error in interpretation in any order, requirement, decision, or determination of the Commissioner of Buildings or of the Zoning Administrator in the enforcement of the provisions of this resolution. The Board may reverse, modify, or affirm, in whole or in part, any such appealed order, requirement, decision, or determination, and may make such order, requirement, decision, or determination as in its opinion ought to be made in the premises, and for such purposes shall have the powers of the Commissioner of Buildings or of the Zoning Administrator from whose ruling the appeal is taken.

72-20

APPEALS FOR VARIANCES

72-21 General Provisions

On an appeal from an order, requirement, decision, or determination of the Commissioner of Buildings or the Zoning Administrator, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of any provision of this resolution, the Board may, in accordance with the requirements set forth in this Chapter, vary or modify such provision so that the spirit of the law shall be observed, public safety secured, and substantial justice done.

72-22 Findings of the Board

Where in a specific case the appellant alleges practical difficulties or unnecessary hardship, the Board may grant a variance in the application of the provisions of this resolution if all of the following findings are made:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the practical difficulties or unnecessary hardship are due to such conditions, and not to circumstances or conditions generally created by the provisions of this resolution in the neighborhood or district in which the property is located.
- (b) That because of such physical circumstances or conditions, there is no reasonable possibility that the development of the property in strict conformity with the provisions of the resolution will bring a reasonable return, and that the authorization of a variance is therefore necessary to enable the owner to realize a reasonable return from the property.
- (c) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, will not substantially or permanently impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare.
- (d) That such practical difficulties or unnecessary hardship have not been created by the owner, except that, in the case of an appeal for a variance of the bulk or off-street loading regulations, the purchase of the property with knowledge of the provisions appealed from shall not itself preclude the granting of a variance.
- (e) That the variance, if authorized, is the minimum variance within the intent and purposes of this resolution, and specifically, in the case of an appeal for a use variance, that a variance of the applicable bulk regulations would not be sufficient.

72-23 Conditions or Restrictions

The Board shall prescribe such conditions or restrictions applying to the grant of a variance as it may deem necessary in the specific case to minimize the adverse effects of such variance upon other property in the neighborhood, and to secure the public health, safety, and other aspects of the general welfare. Failure to comply with all of the conditions or restrictions included in the grant of a variance shall constitute a violation of this resolution.

72-24 Lapse of Variances

Whenever, after the effective date of this resolution, the Board has varied the provisions of this resolution, or the court has reversed or modified the action of the Board pursuant to Paragraph 668e-1.0 of the Administrative Code, the variance so granted shall lapse after the expiration of one year from the date of issuance of the building permit if construction of foundations has not been completed in accordance with the plans for which such variance was granted.

Chapter 3 Special Uses Permitted by the Board of Standards and Appeals

73-00 POWERS OF THE BOARD OF STANDARDS AND APPEALS

73-01 General Provisions

In harmony with the general purpose and intent of this resolution and in accordance with the provisions set forth in this Chapter, the Board of Standards and Appeals (referred to hereinafter as the Board), may, after public notice and hearing, grant special permits for additional new uses in the several districts, provided that such uses shall conform to the applicable requirements for bulk, accessory, off-street parking and loading, and all other regulations of this resolution. In addition, the Board may permit modifications of the regulations of this resolution as set forth in this Chapter.

73-02 Jurisdictional Requirements

In all such cases, the powers of the Board shall be strictly construed. The requirements for special findings, as set forth in this Chapter, shall constitute in each specific case a condition precedent to the grant of a special permit. Each decision of the Board shall set forth all required findings, and each such finding shall satisfy the requirements only if substantiated by evidence in the record.

73-10 ENLARGEMENT, EXTENSION, OR CONTINUATION OF EXISTING USES

73-11 General Provisions

The Board shall have the power to permit the enlargement, extension, or continuation of existing uses as specified in Section 73-12 (Enlargement of Conforming Uses Across District Boundaries), Section 73-13 (Enlargement, Extension, or Conversion of Non-Complying Buildings), and Section 73-14 (Continuation of Non-Conforming Manufacturing or Related Uses in Residence Districts).

73-12 Enlargement of Conforming Uses Across District Boundaries

In appropriate cases, the Board may permit the enlargement of an existing conforming use or building or other structure up to a maximum of 25 feet into a district where in such use is not permitted as of right, subject to such appropriate conditions and safeguards as will minimize adverse effects on the character of the latter district.

73-13 Enlargement, Extension, or Conversion of Non-Complying Buildings

For any building existing on the date of the adoption of this resolution, the Board may permit:

(a) An enlargement or conversion in a non-complying residential building, or an enlargement, extension, or conversion in a non-complying mixed building, which would not be permitted by the applicable bulk regulations, provided that in such residential or mixed building the open space ratio may not be less than 90 percent of the required open space ratio, or

(b) The enlargement of a non-complying non-residential building, provided that the floor area of such building shall not be more than 10 percent in excess of the permitted floor area ratio on that zoning lot or 10,000 square feet, whichever is less.

73-14 Continuation of Non-Conforming Manufacturing or Related Uses in Residence Districts

In appropriate cases, the Board may permit, for one term of not more than three years, the continuation in Residence Districts of non-conforming manufacturing or related uses which are required to terminate under the provisions of Section 51-84 (Non-Conforming Manufacturing or Related Uses in Residence Districts), provided that an application for such continuation has been filed with the Board not less than six months prior to the applicable date of termination.

73-20 SERVICES WITH MINOR TRAFFIC-GENERATING CAPACITY

73-21 General Provisions

The Board shall have the power to permit the uses specified in Section 73-22 (Public Utility Services) and Section 37-23 (Radio or Television Towers), provided that as a condition precedent to the granting of such special permits, the Board makes all the special findings required in those Sections and the City Planning Commission certifies that the proposed use will not interfere with any approved or pending public improvements, including housing, highways, public buildings or facilities, redevelopment or renewal programs, or rights-of-way for sewers, transit, or other public facilities.

73-22 Public Utility Services

In all Residence Districts and in appropriate cases, the Board may permit electric or gas substations (including transformers, switches or auxiliary apparatus), water or sewage pumping stations, or telephone exchanges, provided that the following special findings are made:

- (a) That such use will serve the residential area within which it is located, and that there is no practical possibility of serving such area from a facility located in a nearby district where such use is permitted as of right.
- (b) That the site for such use has a minimum frontage of 50 feet and a minimum lot area of 5,700 square feet.
- (c) That the proposed location, design, and method of operation will not have a detrimental effect on the privacy, quiet, light, and air of the neighborhood.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for soundproofing of electric substations, for the construction of fences, barriers or other safety devices, or for landscaping.

73-23 Radio or Television Towers

In all districts, and in appropriate cases, the Board may permit radio or television towers provided that the following special findings are made:

- (a) That, in Residence Districts, the tower will be at least as far away from the street line and from lot lines as its maximum height above ground level, and that the tower will conform to the best standards for safety in construction.
- (b) That the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light, and air of the neighborhood.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-30 SERVICES WITH SUBSTANTIAL TRAFFIC-GENERATING CAPACITY

73-31 General Provisions

The Board shall have the power to permit the uses set forth in Sections 73-32 to 73-402, inclusive, for a stated term of years, provided that as a condition precedent to granting such special permits:

73-31 General Provision, continued

(a) Each such application is submitted by the Board to the City Planning Commission and within one month the Commission shall certify that the proposed use will not interfere with any approved or pending public improvements, including housing, highways, public buildings or facilities, redevelopment or renewal programs, or rights-of-way for sewers, transit, or other public facilities.

(b) Each such application is submitted by the Board to the Department of Traffic, and within one month the Department shall certify that such use in the proposed location will not result in undue traffic congestion.

(c) The Board makes all of the special findings required in the Sections of this Chapter applicable to each such use, together with the following general findings:

(1) That the vehicular entrance or exit for such use, except uses listed in Section 73-34 (Schools, Colleges, or Universities) will be at least 300 feet from any exit or entrance for a school (except trade schools for adults), any playground accessory thereto, or any public park or public playground one-half acre or more in area.

(2) That the proposed location, design, and method of operation of such use will minimize the adverse effects on the privacy, quiet, light, and air of the neighborhood.

In determining appropriate street locations, the Board shall refer to the Master Plan of Arterial Highways and Major Streets. Whenever the Board is required to find that a use is located on secondary or local streets, and such classification of streets is not indicated upon the Master Plan, the Board shall request the City Planning Commission to establish the appropriate classification of such streets.

73-32 Public Utility Services

In all Residence Districts, the Board may permit fire stations or police stations, provided that the following special findings are made:

(a) That such use will serve the surrounding residential area, and that there is no practical possibility of serving such area from a facility located in a nearby district where such use is permitted as of right.

(b) That such use is not located on a local street, and is so located as to draw a minimum of vehicular traffic to and through such streets.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-33 Day Camps, Outdoor

In all Residence Districts and in C1, C2, or C3 Districts, the Board may permit outdoor day camps, provided that the following conditions are met:

(a) That a minimum of 150 square feet of lot area is provided for each child enrolled in the camp.

(b) That a rear yard and two side yards are provided, each of a minimum depth of 40 feet, within which no camp equipment is affixed to the land.

(c) That, in Residence Districts, the zoning lot is screened along the rear lot line and side lot line, or, in C1, C2, or C3 Districts, the zoning lot is screened along any rear lot line or side lot line adjoining a Residence District, by either:

(1) A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years, or

(2) An opaque wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof).

(d) That for each 6,000 square feet of lot area, one off-street parking space of 500 square feet is provided to accommodate busses used in the transportation of campers.

The Board may impose additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-34 Schools, Colleges or Universities

In C8 or M1 Districts, the Board may permit schools (except trade schools for adults), universities, or colleges (except business colleges) if they have no residential accommodations other than accessory accommodations for a caretaker, provided that, as a condition precedent, in the case of schools each such application is submitted by the Board to the Department of Traffic, and within one month the Department shall certify that the movement of traffic through the street on which the school is located can be controlled so as to protect children going to and from school, and further provided that the Board makes the following special findings:

- (a) That, within the area to be served by the proposed facility, there is no reasonable possibility of obtaining a site of adequate size and properly located within a Residence District or within a Commercial District wherein such use is permitted as of right, because all possible sites in such districts are occupied by substantial improvements.
- (b) That such use is located within 400 feet of the boundary of a district wherein such use is permitted as of right.
- (c) That no entrance or exit for a school is located within 300 feet of a vehicular entrance or exit for a gasoline service station, commercial parking garage, or commercial parking lot.
- (d) That, in the case of a public school, the site area is of sufficient size to ensure adequate separation by yards and open area of such school from noise, traffic movement, and other adverse effects of the surrounding non-residential districts.

73-35 Theaters

In C1 Districts, the Board may permit theaters with a capacity of not more than 500 persons, and may impose appropriate conditions and safeguards to minimize adverse effects on the character of nearby residential development, including limitations on the size of marquees or the illumination of signs.

73-36 Gasoline Service Stations

In any C2, C6, or C7 District whose longer dimension is 375 feet or more (exclusive of land in streets), the Board may permit gasoline service stations provided that the following special findings are made:

- (a) That such use will serve the needs of the surrounding area, and that there is no practical possibility of serving such area from a facility located in a nearby district where such use is permitted as a matter of right. In substantiation thereof, the applicant shall submit a diagram showing the street and highway pattern and the location of existing gasoline service stations within a half mile radius, and shall also submit data showing automobile registration and traffic volume within such half-mile radius.
- (b) That the site for such use has a minimum area of 10,000 square feet and a maximum area of 15,000 square feet.
- (c) That such use is so located as to minimize vehicular traffic to and through local streets in residential areas.
- (d) That the site is so designed as to provide reservoir space for five waiting automobiles within the zoning lot in addition to spaces available within an enclosed lubritorium and at the pumps.

The Board shall impose the following conditions:

- (a) That exits and entrances are so planned that, at maximum expected operation, neither streets nor sidewalks will be blocked by vehicular movement into or from the gasoline service station.
- (b) That, where the facility is on a zoning lot adjoining a Residence District, a solid wall of fire resistant material is provided along any lot line adjoining such district, with a minimum height of six feet and a maximum height of twelve feet above finished grade.

The Board may impose additional appropriate conditions and safeguards on the design of such facilities to minimize adverse effects on the character of the surrounding area, including limitations on lights and signs, to protect residential zoning lots which are adjoining or across the street.

73-37 Commercial Beaches

In C3 Districts, the Board may permit commercial beaches, provided that the following special findings are made:

- (a) That such use is so located as to minimize interference with the movement and navigation of boats.
- (b) That no more than 20 percent of the shore line in any one mapped district is used for such use.
- (c) That for every 500 square feet of total site area, one accessory off-street parking space is provided.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for the shielding of floodlights or adequate screening.

73-38 Commercial Swimming Pools

In C3 Districts, the Board may permit commercial swimming pools with a maximum pool area of not more than 5,000 square feet, provided that any such pool is not located within 200 feet of the shore line.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for the shielding of floodlights or adequate screening.

73-39 Children's Amusement Parks

In C8 of M1 Districts, the Board may permit children's amusement parks with sites of not less than 10,000 square feet nor more than 75,000 square feet, provided that the following special findings are made:

- (a) That the principal vehicular access for such use is not located on a local street.
- (b) That such use is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas.
- (c) That such use is not located within 400 feet of a Residence District.
- (d) That vehicular entrances and exits for such use are provided separately and are located not less than 50 feet apart.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for shielding of floodlights, adequate screening, or surfacing all access roads or driveways.

73-40 Sand, Gravel, or Clay Pits73-401 General provisions

In all districts, the Board may permit the extraction of sand, gravel, or clay from zoning lots limited in size to a maximum of 50 acres provided that the following conditions are met:

- (a) That the applicant submits a site plan showing the extent of the area proposed for excavation and the proposed depth of such operations, together with a plan for the rehabilitation of the zoning lot after excavation operations have been completed.
- (b) That the Department of Buildings has certified that the proposed method of operations and the final elevation of the pit will not undermine or cause settlement to nearby streets, sewers, buildings or other structures, or installations.
- (c) That the entire perimeter of the zoning lot, except for necessary truck roads, is fenced so as to prevent children from gaining access to the excavated areas.
- (d) That one accessory off-street parking space is provided for every 2,000 square feet of lot area, or for every three employees, whichever shall require a lesser number of spaces.
- (e) That the performance standards for M1 Districts shall apply to such operations in all districts other than M2 or M3 Districts, where the applicable performance standards shall govern.

Underlined words in text are defined in Section 12-10.

73-402 Conditions on operation

The Board shall impose the following conditions on the method of operation of such uses:

- (a) That all drilling, blasting, or excavation operations shall be limited to Mondays through Fridays between the hours of 8:00 a.m. and 5:00 p.m.
- (b) That the emission of process dust either from the area of operations or from the excavated materials themselves shall be minimized by frequent watering or by such other means as the Board shall direct.
- (c) That warning notices respecting unlawful entry shall be posted on the fence, and a watchman shall be stationed on the premises to police the entire area after normal working hours and on week-ends and holidays.
- (d) That excavation operations shall be undertaken in such manner as to avoid creation of undrained pockets and formation of stagnant pools. When topographical conditions make such compliance impossible, all pools of water resulting from surface drainage shall be sprayed in accordance with the requirements of the Department of Health to eliminate breeding places for mosquitoes or other insects.

The Board may impose additional appropriate conditions and safeguards to protect the public health, safety and general welfare during the period between the cessation of operations and the final rehabilitation of the site in accordance with approved plans.

73-50 MODIFICATION OF REQUIREMENTS FOR OFF-STREET PARKING AND OFF-STREET LOADING

73-51 Reduction of Spaces for Uses on Same Zoning Lot

Whenever uses in parking requirements category D (Small Places of Assembly) or in parking requirement category E (Large Places of Assembly) as provided in Sections 35-21 or 44-31 (General Provisions) are located in the same building or on the same zoning lot with other uses, the Board may permit a reduction in the number of accessory off-street parking spaces required for the uses in categories D and E, provided that the Board finds:

- (a) That the spaces accessory to such other uses can be made permanently available to patrons of such places of assembly, and
- (b) That separate spaces are not needed because there is no conflict in the times of operation of such places of assembly and such other uses, and
- (c) That the number of spaces by which the requirements for such places of assembly are reduced is no greater than the number of spaces which can conform to (a) and (b) of this Section.

In the event that any condition upon which the reduced requirement was based shall no longer exist, as a result of any change of use, in availability of spaces, in hours of operation, or otherwise, the permit shall be automatically revoked.

73-52 Modifications of Required Off-Street Parking When Provided Off-Site

Where, because of physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions, the required accessory off-street parking spaces cannot reasonably be provided on the zoning lot, and the Board determines that there is no reasonable possibility of obtaining a zoning lot for off-site parking within 600 feet of the nearest boundary of the zoning lot on which a use is located, the Board may extend the permitted radius for such off-site parking to 1,200 feet.

73-60

ADDITIONAL PROVISIONS FOR PERMITS

73-61 Renewal of Automatically Revoked Building Permits

The Board may renew, for one term of one year, a building permit automatically revoked under the provisions of Section 11-242 (Revocation of permits issued prior to adoption or amendment of resolution), provided that as a condition precedent to granting such renewal, the Board shall make the following special findings:

- (a) That the plans and specifications for the entire building or other structure or entire enlargement had been filed prior to the publication date of notice for hearing before the City Planning Commission to adopt this resolution or any subsequent amendment thereto rendering such construction non-conforming or non-complying, and
- (b) That the building permit authorized construction of an entire building or other structure or entire enlargement, and
- (c) That either
 - (1) Excavation had been completed and substantial progress made on foundations, or
 - (2) Substantial expenditures had been made either in connection with excavation where foundations had not been commenced, or in connection with enlargements not requiring the construction of foundations.

73-62 Special Provisions Applying along District Boundaries

In appropriate cases, the Board may permit business entrances not otherwise permitted under the provisions of Sections 32-51 or 42-54 (Interior Lots), or Sections 32-52 or 42-55 (Corner Lots), and may waive the requirements for rear yards or side yards set forth in Sections 33-30 or 43-20 (Special Provisions Applying along District Boundaries) or the requirements for front yards set forth in Section 34-54 (Special Provisions Applying along District Boundaries).

73-63 Height Regulations around Airports

The Board may permit the construction of a building or other structure in excess of the height limits established under Section 61-21 (Restriction on Highest Projection of Building or Structure) or Section 61-22 (Permitted Projection Within Any Flight Obstruction Area), provided that as a condition precedent to the granting of such permit:

- (a) The applicant submits a site plan, with elevations, showing the proposed building or other structure in relation to such maximum height limits, and
- (b) The application is transmitted by the Board to the Civil Aeronautics Administration, and such agency certifies that the proposed building or other structure would not constitute a danger to the safety of air passengers or occupants of the proposed buildings, either under the existing layout of the airport or under any planned reorientation or lengthening of the airport runways.

The Board may nevertheless grant such permit in the event that a report by the Civil Aeronautics Administration is not filed with the Board within a period of three months of the date of transmittal of the application.

73-64 Street Layout Varying from Maps

Where the street layout actually on the ground varies from the street layout as shown on the zoning maps, the designation as shown on the mapped areas shall be applied by the Board, after notice and public hearing, to the unmapped streets in such a way as to carry out the intent and purpose of the plan for the particular section in question.

73-65 Utilization of Explosives in Manufacturing Processes

In all Manufacturing Districts, the Board may, subject to appropriate conditions and safeguards, permit the utilization of Class IV explosives, as defined in Section 42-272 (Classifications), in manufacturing processes or other production and storage necessary thereto, provided that the following conditions are met:

73-65 Utilization of Explosives in Manufacturing Processes, continued

- (a) That such manufacture is carried on within buildings or other structures which are completely enclosed by incombustible exterior walls.
- (b) That such buildings or other structures are protected throughout by an automatic fire extinguishing system which shall comply with the requirements set forth in the Administrative Code.
- (c) That the Fire Department has certified that such utilization and storage accessory thereto comply with all provisions of the Administrative Code and all rules and regulations of the Fire Department.

73-66 Rules or Regulations Adopted by the Board

The Board shall adopt from time to time such rules or regulations as may be necessary to carry into effect the provisions of this resolution.

Chapter 4 Special Uses Permitted by the City Planning Commission

74-00 POWERS OF THE CITY PLANNING COMMISSION

74-01 General Provisions

In harmony with the general purpose and intent of this resolution and in accordance with the provisions set forth in this Chapter, the City Planning Commission may, after public notice and hearing, grant special permits, in the districts specified, for the major traffic-generating uses listed in this Chapter, including amusement establishments, off-street parking establishments, and transportation facilities, provided that such uses conform to the applicable district requirements for bulk, accessory off-street parking and loading, and all other district regulations.

74-02 Jurisdictional Requirements

In all such cases, the powers of the City Planning Commission shall be strictly construed. The requirements for special findings, as set forth in this Chapter, shall constitute in each specific case a condition precedent to the grant of a special permit, and the report of the Commission shall set forth each such required finding.

74-10 ACTION BY THE BOARD OF ESTIMATE

Within five days after the City Planning Commission approves an application for a special permit, such approval, together with a copy of the application, shall be filed with the Secretary of the Board of Estimate. Unless the Board of Estimate shall disapprove such application by a majority vote within 60 days of the date of filing, the proposed use shall become authorized on the 61st day after filing, in accordance with the approved site plan and subject to any appropriate conditions or safeguards imposed by the Commission.

74-20 REQUIREMENTS FOR APPLICATION

An application to the City Planning Commission for the grant of a special permit respecting any of the uses specified in this Chapter shall include a site plan showing the location and proposed use of all buildings or other structures on the site; the location of all vehicular entrances and exits and of off-street parking spaces; a diagram of the vicinity within a one mile radius, showing all arterial highways, major and secondary streets, the location of the site in relation to the surrounding street pattern and other major traffic-generating uses; and such other information as may be required from time to time by the City Planning Commission.

74-30 FINDINGS OF THE CITY PLANNING COMMISSION

The City Planning Commission shall have the power to permit the uses set forth in Sections 74-40 to 74-65, inclusive, for a stated term of years, provided that as a condition precedent to granting such special permits:

(a) Each such application is submitted by the City Planning Commission to the Department of Traffic and, within one month, the Department shall transmit to the City Planning Commission its report with regard to the anticipated traffic congestion, if any, resulting from such facility in the proposed locations.

(b) The City Planning Commission makes all of the special findings required in the Sections of this Chapter applicable to each such use, together with the following general findings:

74-30

FINDINGS OF THE CITY PLANNING COMMISSION, continued

- (1) That such proposed use will not interfere with any approved or pending public improvements, including housing, highways, public buildings or facilities, redevelopment or renewal programs, or rights-of-way for sewers, transit, or other public facilities.
- (2) That such use conforms to all officially adopted Master Plans and, in particular, that such use is properly located in relation to the Master Plan of Arterial Highways and Major Streets and its allied features of secondary and local streets, and in relation to the normal pattern of traffic and pedestrian circulation in the surrounding area. (The City Planning Commission shall establish the appropriate classification of any secondary or local streets not shown on the Master Plan.)
- (3) That the vehicular entrance or exit for such use will be at least 300 feet from any exit or entrance for a school (except trade schools for adults), any playground accessory thereto, or any public park or public playground one-half acre or more in area.
- (4) That the proposed location, design, and method of operation of such use will minimize the adverse effects on the character of the surrounding area.

74-40

AMUSEMENT ESTABLISHMENTS

74-41

Arenas, Auditoriums, Stadiums, or Trade Expositions

In C4, C6, C7, or C8 Districts or any Manufacturing District, the City Planning Commission may permit arenas, auditoriums, or stadiums with a capacity in excess of 2,500 seats, or trade expositions with a legal capacity in excess of 2,500 persons, provided that the following special findings are made:

- (a) That the principal vehicular access for such use is not located on a local street, but is located either on an arterial highway or a major street, or on a secondary street within one-quarter mile of an arterial highway or major street.
- (b) That such use is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas.
- (c) That such use is not located within 200 feet of a Residence District.
- (d) That adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent traffic congestion.
- (e) That vehicular entrances and exits for such use are provided separately, and are located not less than 100 feet apart.
- (f) That, in selecting the site, due consideration has been given to the proximity of bus and rapid transit facilities.

The City Planning Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for soundproofing of arenas or auditoriums, shielding of floodlights, or surfacing all access roads or driveways.

74-42

Drive-in Theaters

In C7 or C8 Districts or any Manufacturing District, the City Planning Commission may permit drive-in theaters, limited to a maximum capacity of 500 automobiles, provided that the following special findings are made:

- (a) That the principal vehicular access for such use is not located on a local street or on an arterial highway, but is located on a major or secondary street within one-quarter mile of an arterial highway.
- (b) That such use is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas.
- (c) That such use is not located within 200 feet of a Residence District.
- (d) That adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion.
- (e) That vehicular entrances and exits for such use are provided separately, and are located not less than 100 feet apart.

Underlined words in text are defined in Section 12-10.

74-42 Drive-in Theaters, continued

The City Planning Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for shielding of floodlights, screening, or surfacing all access roads or driveways.

74-43 Racetracks

In C8 Districts or any Manufacturing District, the City Planning Commission may permit racetracks, provided that the following special findings are made:

- (a) That the principal vehicular access for such use is not located on a local street, but is located either on an arterial highway or major street or on a secondary street within one-quarter mile of an arterial highway or major street.
- (b) That such use is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas.
- (c) That adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion.
- (d) That vehicular entrances and exits for such use are provided separately and are located not less than 100 feet apart.
- (e) That in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities.

The City Planning Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for shielding of floodlights, screening, or surfacing all access roads or driveways. In addition, the City Planning Commission shall require the provision of adequate accessory off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles serving the use, and shall determine the required spaces in accordance with the requirements established in this resolution with respect to other large places of assembly.

74-44 Children's Amusement Parks

In C8 or M1 Districts, the City Planning Commission may permit children's amusement parks with a site of not less than 75,000 square feet nor more than 10 acres, provided that the following special findings are made:

- (a) That the principal vehicular access for such use is not located on a local street or on an arterial highway, but is located on a major or secondary street within one-quarter mile of an arterial highway or a major street.
- (b) That such use is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas.
- (c) That such use is not located within 400 feet of a Residence District.
- (d) That vehicular entrances and exits for such use are provided separately and are located not less than 50 feet apart.

The City Planning Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for shielding of floodlights, screening, or surfacing all access roads or driveways.

74-50 OFF-STREET PARKING ESTABLISHMENTS

74-51 Commercial Parking Garages or Commercial Parking Lots in C1 Districts

In C1 Districts, the City Planning Commission may permit commercial parking garages or commercial parking lots with a capacity of not more than 100 spaces, provided that the regulations set forth in Section 34-53 (Location of Access to the Street), Section 35-54 (Surfacing), and Section 35-55 (Screening) are met, and that the following special findings are made:

74-51 Commercial Parking Garages or Commercial Parking Lots in C1 Districts, continued

- (a) That such use is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas.
- (b) That such use has adequate reservoir space at the vehicular entrance to accommodate a minimum of ten automobiles.

The City Planning Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for the shielding of floodlights.

74-52 Commercial Parking Garages or Commercial Parking Lots

In C2, C4, C6, C7, or C8 Districts or any Manufacturing District, the City Planning Commission may permit commercial parking garages or commercial parking lots with 150 or more spaces, and in C5 Districts, the City Planning Commission may permit commercial parking garages with 150 or more spaces, provided the standards set forth in Sections 35-53 or 44-53 (Location of Access to the Street), Sections 35-54 or 44-54 (Surfacing), and Sections 35-55 or 44-55 (Screening), are met and that the following special findings are made:

- (a) That the principal vehicular access for such use is not located on a local street (except in C5 or C6 Districts), but is located either on an arterial highway or a major street, or on a secondary street within one-quarter mile of an arterial highway or major street.
- (b) That such use is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas.
- (c) That such use has adequate reservoir space at the vehicular entrance to accommodate either 10 automobiles or five percent of the total parking spaces provided by the use, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles.
- (d) That vehicular entrances and exits for such use are provided separately and are located not less than 25 feet apart.
- (e) That such use is located on a street not less than 60 feet in width.

The City Planning Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including limitations on signs or requirements for shielding of floodlights.

74-60 TRANSPORTATION FACILITIES

74-61 Railroad Passenger Stations

In all districts, the City Planning Commission may permit the construction of railroad passenger stations, provided that the following special findings are made:

- (a) That the principal access for such use is not located on a local street.
- (b) That such use is so located as to draw a minimum of vehicular traffic to and through local streets in residential areas.
- (c) That vehicular entrances and exits for such use are provided separately and are located not less than 50 feet apart.

The City Planning Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways. In addition, the Commission shall require the provision of adequate accessory off-street parking spaces necessary to meet the needs of the area served by the use and to prevent the creation of traffic congestion caused by the curb parking of vehicles serving the use, and shall determine the required spaces in accordance with the purposes established in this resolution with respect to other major traffic-generating facilities. The Commission shall require in any event not less than 20 spaces for the temporary parking of automobiles and three spaces for busses.

74-62 Bus Stations74-621 Bus stations with 10 or more berths

In C4, C6, M1, or M2 Districts, the City Planning Commission may permit the construction of a bus station with 10 or more berths for busses on a site of not less than 20,000 square feet, provided that the following special findings are made:

- (a) That the principal access for such use is not located on a local street, but is located either on an arterial highway or a major street, or on a secondary street within one-quarter mile of an arterial highway or major street.
- (b) That such use is not located within 200 feet of a Residence District.
- (c) That vehicular entrances and exits for such facility are provided separately and are located not less than 100 feet apart.
- (d) That such use is located on a street not less than 60 feet in width.

The City Planning Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. In addition, the Commission shall require the provision of adequate accessory off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles serving the use, and shall determine the required spaces in accordance with the requirements established in this resolution with respect to other major traffic-generating facilities. The City Planning Commission shall require, in any event, no less than 20 spaces for the temporary parking of automobiles.

74-622 Bus stations with fewer than 10 berths

In C1, C2, C4, C6, C7, or C8 Districts, or in any Manufacturing District, the City Planning Commission may permit bus stations with fewer than 10 berths for busses on a site of not less than 20,000 square feet, provided that the following special findings are made:

- (a) That the principal access for such use is not located on a local street.
- (b) That vehicular entrances and exits for such facility are provided separately and are located not less than 50 feet apart.
- (c) That such use is located on a street not less than 60 feet in width.

The City Planning Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. In addition, the Commission shall require the provision of adequate accessory off-street parking spaces sufficient to meet the needs of the area served by the use and to prevent the creation of traffic congestion caused by the curb parking of vehicles, and shall determine the required spaces in accordance with the requirements established in this resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 10 spaces for the temporary parking of automobiles.

74-623 Additional regulations applying to bus stations

All bus stations lawfully existing on the date of this amended resolution are permitted to continue for the duration of the term for which such use has been authorized, but the enlargement, extension, reconstruction, or relocation of any bus station heretofore or hereafter constructed shall not be permitted except in accordance with the provisions set forth in Section 74-621 or Section 74-622.

74-63 Trucking Terminals or Motor Freight Stations

In C8 Districts, the City Planning Commission may permit trucking terminals or motor freight stations with sites in excess of 20,000 square feet, subject to all performance standards applicable in the district, provided that the following special findings are made:

- (a) That the principal access for such use is not on a local street but is located within one-quarter mile of a secondary or major street.
- (b) That vehicular entrances and exits for such use are provided separately and are located not less than 100 feet apart.
- (c) That such use is not within 200 feet of a Residence District boundary.
- (d) That such use is located on a street not less than 60 feet in width.

The City Planning Commission may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, screening, and surfacing all access roads or driveways.

74-64 Airports

In all Manufacturing Districts, the City Planning Commission may permit the construction, enlargement, extension, or reconstruction of airports and their facilities, provided that, as a condition precedent:

(a) The applicant shall submit a site plan showing the location and dimensions of all runways, in addition to all other information required in Section 74-20 (Requirements for Application).

(b) The City Planning Commission shall submit the application to the Federal Civil Aeronautics Administration, and such agency shall certify that such airport is either an integral part of or will not interfere with the general plan of airports for New York City and the surrounding metropolitan region, and that a new, reoriented, or lengthened runway will not interfere with the flight pattern of any nearby airport.

In addition, the City Planning Commission shall make the following special findings:

(a) That the airport is an appropriate use of the land and will not unduly interfere with surrounding land uses.

(b) That due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The City Planning Commission may impose appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area, and in the event that the application is granted, the City Planning Commission shall adopt a resolution to amend the zoning maps so that for a depth of at least one-quarter mile around the entire perimeter of the airport, any adjacent Residence District shall be mapped as an R1, R2, or R3 District, and any adjacent Commercial or Manufacturing District shall be mapped as a C1, C2, C3, C4-1, C4-2, C4-3, C7, C8-1, C8-2, M1-1, M1-2, M1-4, M2-1, M2-3, or M3 District.

The City Planning Commission shall determine the required number of accessory off-street parking spaces in accordance with the requirements established in this resolution with respect to other major traffic-generating facilities.

74-65 Heliports

In C6 or C8 Districts or in any Manufacturing District, the City Planning Commission may permit the construction, enlargement, extension, or reconstruction of heliports, provided that, as a condition precedent:

(a) The applicant shall submit a site plan showing the location of runways, in addition to all other information required in Section 74-20 (Requirements for Application).

(b) The City Planning Commission shall submit the application to the Federal Civil Aeronautics Administration, and such agency shall certify that such new heliport is either an integral part of or will not interfere with the general plan of airports for New York City and the surrounding metropolitan region.

In addition, the City Planning Commission shall make the following special findings:

(a) That the heliport is an appropriate use of the land and will not unduly interfere with surrounding land uses.

(b) That due consideration has been given to the selection of a site situated near or adjacent to large parks or other open areas, or bodies of water.

The City Planning Commission may impose appropriate additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

The City Planning Commission shall determine the required number of accessory off-street parking spaces in accordance with the requirements established in this resolution with respect to other major traffic-generating facilities.

Chapter 5 Amendments

75-00 PROCEDURE FOR AMENDMENTS

The City Planning Commission shall adopt resolutions to amend the text of this resolution or the zoning maps incorporated therein, and the Board of Estimate shall act upon such amendments, in accordance with the provisions of the New York City Charter.

Chapter 6 Location of District Boundaries

76-00 MEASUREMENT OF DISTANCES

76-01 Method of Measurement

Except as otherwise specifically provided, all prescribed distances shall be measured in a straight line, not necessarily coinciding with a street line.

76-10 DISTRICT BOUNDARIES ON THE ZONING MAPS

76-11 General Provisions

The district boundaries on the zoning maps shall be interpreted in accordance with the provisions set forth in Section 76-12 (Area Enclosed by District Boundary Line), Section 76-13 (Location of Boundary Line), and Section 76-14 (Additional Rules of Construction).

76-12 Area Enclosed by District Boundary Line

An area enclosed by a district boundary line shall be in the district designated therein.

76-13 Location of Boundary Line

The precise location of a boundary line is to be interpreted in accordance with the provisions set forth in this Section.

76-131 Boundary line parallel to short dimension of block

In cases where a boundary line extends parallel to the short dimension of the block and no dimensions are shown, its position shall be considered to be located:

- (a) In the case of C1-1, C4-1, C4-2, or C4-4 Districts, 200 feet from the nearest street within the district
- (b) In the case of C1-2, C2-1, or C4-3 Districts, 150 feet from the nearest street within the district
- (c) In the case of all other districts, 100 feet from the nearest street within the district.

76-132 Boundary line extending in direction of long dimension of block between parallel streets

In case of parallel streets, a district boundary line extending in the direction of the long dimension of the block shall, unless otherwise fixed, be construed to coincide with the center line of the block.

76-133 Boundary line extending in direction of long dimension of block between streets which are not parallel

In case of streets which are not parallel, a district boundary line extending in the direction of the long dimension of the block shall, unless otherwise fixed, be construed as the bisector of the angle formed by prolonging the street lines to an intersection.

76-14 Additional Rules of Construction76-141 When distance from street line shown

In cases where the boundary line is shown by a dimension as being located a specific distance from a street line, this distance shall be considered to be measured from the nearest street line of the street from which dimensioned.

76-142 Boundary line within street

In cases where the boundary line is given a position within a street, it shall be considered to be in the center of the street.

76-143 Boundary line oblique to streets

In cases where a boundary line is shown having a position oblique to the streets bounding the block in which it is located, it shall (unless otherwise fixed) be considered to be the bisector of the angle formed by the intersection of lines 100 feet from and parallel to each of said bounding streets, this distance being measured at right angles to said street lines.

76-144 Boundary line adjoining a railroad

In cases where a boundary line is shown as adjoining a railroad, it shall (unless otherwise fixed) be considered to coincide with the boundary line of the railroad right-of-way.

76-145 Boundary line coinciding with park, cemetery, or navigable waters

In cases of parks, cemeteries, or navigable waters, the boundary shall (unless otherwise fixed) be considered to coincide with the boundary line of the park or the cemetery or the pierhead line, except that in cases where no pierhead line has been established the shore line shall control.

76-146 Islands

Any island outside of the shore or pierhead lines shall, unless otherwise designated or determined by the City Planning Commission, be considered to be in an R3 District.

76-20 ZONING LOTS DIVIDED BY USE DISTRICT BOUNDARIES

76-21 General Provisions

Whenever a zoning lot existing at the date of adoption of this resolution or any subsequent amendment thereto is located in two or more districts in which different uses are permitted, the regulations set forth in Section 76-22 (Application of Use Regulations to Entire Zoning Lot) or Section 76-23 (Application of Use Regulations When Section 76-22 Inapplicable) shall apply.

76-22 Application of Use Regulations to Entire Zoning Lot

Whenever a zoning lot is divided by a boundary between districts in which different uses are permitted, the use regulations applicable to the district in which more than 50 percent of the total area of the zoning lot is located may apply to the entire zoning lot and the district boundary may be assumed to be relocated accordingly, provided that the greatest distance from the mapped district boundary to such relocated boundary, measured perpendicular to the mapped district boundary, does not exceed 25 feet.

Whenever the use regulations are so applied, the bulk, off-street parking and loading, and all other regulations of such expanded district shall apply to the entire zoning lot.

76-23 Application of Use Regulations When Section 76-22 Inapplicable76-231 Lots divided by a boundary between Residence, Commercial, and Manufacturing Districts

Whenever a zoning lot is divided by a boundary between

- (a) A Residence District and a Commercial District,
- (b) A Residence District and a Manufacturing District, or
- (c) A Commercial District and a Manufacturing District,

and the provisions set forth in Section 76-22 (Application of Use Regulations to Entire Zoning Lot) do not apply, the applicable use, bulk, off-street parking and loading, and all other regulations of the district shall apply to that portion of the zoning lot located within each such district.

76-232 Lots divided by a boundary between two Residence, or two Commercial, or two Manufacturing Districts

Whenever a zoning lot is divided by a boundary between two Residence Districts, or between two Commercial Districts, or between two Manufacturing Districts, and the provisions set forth in Section 76-22 (Application of Use Regulations to Entire Zoning Lot) do not apply, the applicable use regulations for the district shall apply to that portion of the zoning lot located within each district, and the bulk and off-street parking and loading regulations set forth in Articles II, III, and IV for zoning lots divided by district boundaries shall govern.'



**ZONING
MAPS**



Drawing the Zoning Maps

No city is ever static, especially New York. In the previous two decades, industry and commerce have expanded rapidly, thousands of homes have been built on land which was formerly open fields, and suburbs have spread far out. Along with the City's growth areas, suburban areas are generating huge volumes of additional traffic traveling to the Central Business District and other shopping and employment centers.

People, industry, and commerce move within the City and the metropolitan area, to be replaced by other people, industry, and commercial and service establishments. Commercial patterns change from strips of shops to great new retail centers -- with tremendous increases in variety of goods and dollar volumes.

Technological changes bring changes in the use of land: new industries add to the variety of demands for different types of location and layout. The drive for greater efficiency brings change in design: more land is needed for modern plant construction.

Use of the automobile has greatly multiplied. The trucking industry has grown phenomenally. All this creates the need for great expressways and an improved street pattern, which in turn alters the highest and best use to which land should be put.

All of these considerations have made it mandatory that every block of land in New York be carefully re-evaluated and re-mapped as a part of this project. The drawing of the new zoning maps was the culmination of a planning process involving four primary steps:

- 1) The analysis of the land needs of the primary activities in the City. This step is described in the first section of this report.
- 2) The development of the regulations described in subsequent sections of this report, including the various types of districts, with the appropriate controls over the use of land and buildings.
- 3) Drawing the new zoning maps. This step has as its basic objective the provision of enough land in the proper place for all activities in the City having a useful purpose.
- 4) The review and modification of the zoning maps within the framework of the analysis of the land needs of the various activities in the City noted in step 1) above.

The mapping operation involved not only an entirely new set of districts but the reduction of New York City's zoning regulations from the present three map system to a single map system. However, for explanatory purposes, the designation of the use and bulk districts on the zoning maps is discussed separately.

Drawing the Use District Boundaries

Good zoning has as its basic objective the provision of a logical place for everything that has a useful purpose. As stated in the first major zoning case by the U. S. Supreme Court, "A nuisance may be merely the right thing in the wrong place -- like a pig in the parlor instead of the barnyard."

One of the primary mapping problems is to lessen the deteriorating effects of harmful mixtures of land use. The harmful effects of some mixed uses are obvious, such as the improper location of noisy or odorous industry in Residence Districts or of junk yards in Commercial Districts. Some other mixtures are not so obvious, but they can do serious harm and must be regulated with care.

Apart from being a poor living environment, homes in Manufacturing Districts may detract from the efficiency of production and distribution of goods. Or, commonly, residential slums in Manufacturing Districts create a



Mixed manufacturing and residential uses. Traffic generated by factories creates hazard and nuisance for adjoining residences.

bad environment so that firms find it difficult to hire clerical or other workers who must travel to the area. Manufacturing uses mixed with business uses may detract from the attractiveness, and hence value, of the shopping area. Parking problems are also created when manufacturing employees usurp for hours the spaces needed for rapid turnover of shoppers.

Residence Districts

The use district descriptions contained in earlier sections of this report contain a general explanation of why and where the various types of Residence, Commercial, and Manufacturing Districts have been proposed. Since the different Residence Districts are essentially based on differences in bulk, additional discussion of the designation of these districts on the zoning maps is contained in the Explanation of Residential Use Regulations.

Manufacturing Districts

This section outlines some of the additional considerations involved in the designation of the various Manufacturing Districts on the proposed zoning maps:

- 1) New York, like most other large American cities, suffers in general from a shortage of industrial land. (There are a few areas such as Richmond where this is not true.) This is the result of a widely recognized series of factors, including a continually expanding economy and a radical change in industrial technology. As a result of these developments many times as much land is needed to house 10 plants of a given employment size as was true 20 years ago. A large part of New York's recent industrial development has resulted from the expansion of existing plants -- on existing sites as well as new sites in other parts of the City.

The Manufacturing Districts were designated on the zoning maps with the awareness that many industrial concentrations need expansion room to permit the provision of additional plant area and off-street parking and loading facilities, as well as to provide area for new plants.

- 2) A review was made of all outlying vacant areas of the City to select areas which, if properly located, provide attractive sites for modern industrial plants as well as shorten

the journey to work of many employees and relieve the load of the transit system of the inner core of the City.

- 3) Industrial potentialities of land bearing a favorable relationship to water transportation, railroads, and major truck routes were reviewed critically from the standpoint of their physical characteristics and the City's need for industrial sites. Land near the juncture points of a major truck route with other routes was also examined. In addition, consideration was given to industrial sites in the vicinity of major airports.
- 4) Where possible, the zoning of strips of shallow depth parallel to highways and railroads was avoided. An attempt was made to insure that industrial areas zoned in such locations had depths of from 500 to 2000 feet.
- 5) Careful attention was paid to achieving maximum compatibility between districts by buffering Residence Districts from Heavy Manufacturing Districts with the more compatible high performance M1 Districts -- the industrial "front yard" -- or with appropriate Commercial Districts.
- 6) Each area was reviewed with the goal in mind of excluding industrial traffic from residential streets. When possible, substantial physical barriers such as expressways and railroad rights-of-way were used as boundaries between Residence and Manufacturing Districts in order to seal off industrial traffic from residential neighborhoods.

Commercial Districts

Among the considerations involved in the designation of the various Commercial Districts on the proposed zoning maps were the following:

- 1) Of all Commercial Districts, determination of the land needs of the Local Retail Districts was perhaps the most important as the basis of drawing the zoning maps. A primary area of concentration, therefore, was the determination of the proper ratio of such commercial frontage to the population and area served. Discussion of the land needs of the extensive range of types of commercial land use is contained in the first section of this report.
- 2) An attempt was made to cut-back "over-zoned" commercial strips to encourage development in more effective clusters.
- 3) Generally, the depths of Commercial Districts were increased to create room for large establishments and for off-street parking and loading in the rear of stores. Desirable depths were determined for each district and applied in drawing the zoning maps.
- 4) Retail districts were generally located so as to be easily accessible from heavily travelled transportation arteries, thereby minimizing the number of trucks having to traverse residential areas to service the stores. However, Local Retail Districts were located when possible on secondary streets rather than major thoroughfares so as not to be adversely affected by heavy traffic.
- 5) An attempt was made to prevent the intervention of barriers such as heavily travelled streets, railroads, and parks, between retail shopping facilities and the population they serve. Such barriers seriously affect the service value of these facilities.
- 6) The General Service Districts were located, where possible, so that the impact of truck traffic and noisy service operations on adjacent residential areas would be minimized.

Drawing the Bulk District Boundaries

Non-Residential Districts

The general procedures followed in designating the proposed non-residential bulk districts on the zoning maps were discussed in earlier descriptions of the respective bulk districts. For this reason, the primary considerations will be summarized briefly:

- 1) To achieve maximum compatibility between districts, the industrial areas adjacent to residential areas were generally given a low bulk designation. The adverse effects of both massive industrial buildings and large concentrations of people are thereby eliminated.
- 2) In establishing the non-residential bulk levels, the function and location of the various districts were considered. For example, the permitted Floor Area Ratios of Commercial Districts were determined on the basis of both location and size of the population and area served.
- 3) The important trends toward lower bulks in industrial plants and commercial shopping centers were recognized in designating bulk levels -- especially in the outlying areas of the City.

Residence Districts

The control of population density is an important consideration in determining the future structure of the City. Three of the more important reasons are:

- 1) Density controls are essential in order to maintain a working balance between the number of people living on the land and the capacity of the City to furnish all the public services -- water, sewers, streets, schools, etc. -- which it is called on to provide in different areas of the City. Failure to limit densities frequently means the overtaxing of public services, resulting in congestion or even the breakdown of such facilities. Without such controls traffic planning, for example, becomes a hopeless task because hordes of traffic are generated onto a pigmy street and transit system.
- 2) An equally important consideration in setting density levels is the relationship of zoned capacity to anticipated population. If the permitted population capacity is appreciably in excess of the population that may be attracted to an area, a few spots of high density development will absorb the bulk of the new population that may be attracted to the area. Such areas frequently are characterized by a few spots of widely scattered new high density development surrounded by large areas of obsolete housing mixed with vacant structures. The latter areas tend to become slums, with their high cost in human values and in services to the municipal government.
- 3) Lack of density controls means excessive conversion of large apartments in some sections into many smaller units, resulting in overcrowding and sub-standard living conditions. Slums are thus created and neighborhood conservation impeded.

In determining the residential bulk district designations shown on the proposed zoning maps, the following basic factors were considered. In this discussion the term bulk is used to designate both the direct population density controls and the permitted Floor Area and Open Space Ratios.

- 1) Nearness to rapid transit and commuter railroad lines. In general, higher bulks were designated near stations of such facilities.

- 2) Relationship to employment centers. The size of employment centers and the distance of the area in question from such centers influenced the determination of bulk levels.
- 3) Availability of community facilities. Where community facilities were found to be in ample supply, this condition was considered justification for higher bulks than those designated in poorly supplied locations.
- 4) Recent and post-war trends in building. This factor was considered to be a good indicator of the market in a given area, and thus a consideration in the designation of bulk levels.
- 5) Topography. Areas characterized by such factors as steep slopes and poor sub-soil conditions generally were considered more suitable for low bulks.
- 6) Areas designated for redevelopment on the Master Plan of Development and Redevelopment. Existing bulk levels were disregarded in such areas, bulks being designated on the basis of desirable future building types and density

patterns.

- 7) Future replacement or conversion patterns. In older areas where large-sized dwelling units make conversion to smaller units feasible, special consideration was given to this possibility in proposing future density levels. Likewise, the probability of future replacement of many of these obsolete building types was recognized, and bulk levels were determined on the basis of what would be suitable for the area in question rather than existing bulks.
- 8) Relationship to adjoining industrial centers. Where possible, residential bulk levels were set low in areas adjoining industry so as to limit the number of families exposed to any adverse effects of industry.

The foregoing list is not all-inclusive, but outlines the principal factors considered in designating the proposed residential bulks. Of course, not all factors apply to every location, and certain factors, such as nearness to rapid transit facilities, generally were given more weight than others in arriving at decisions.

District Boundary Indicators

Residence, Commercial, or Manufacturing
District Boundaries

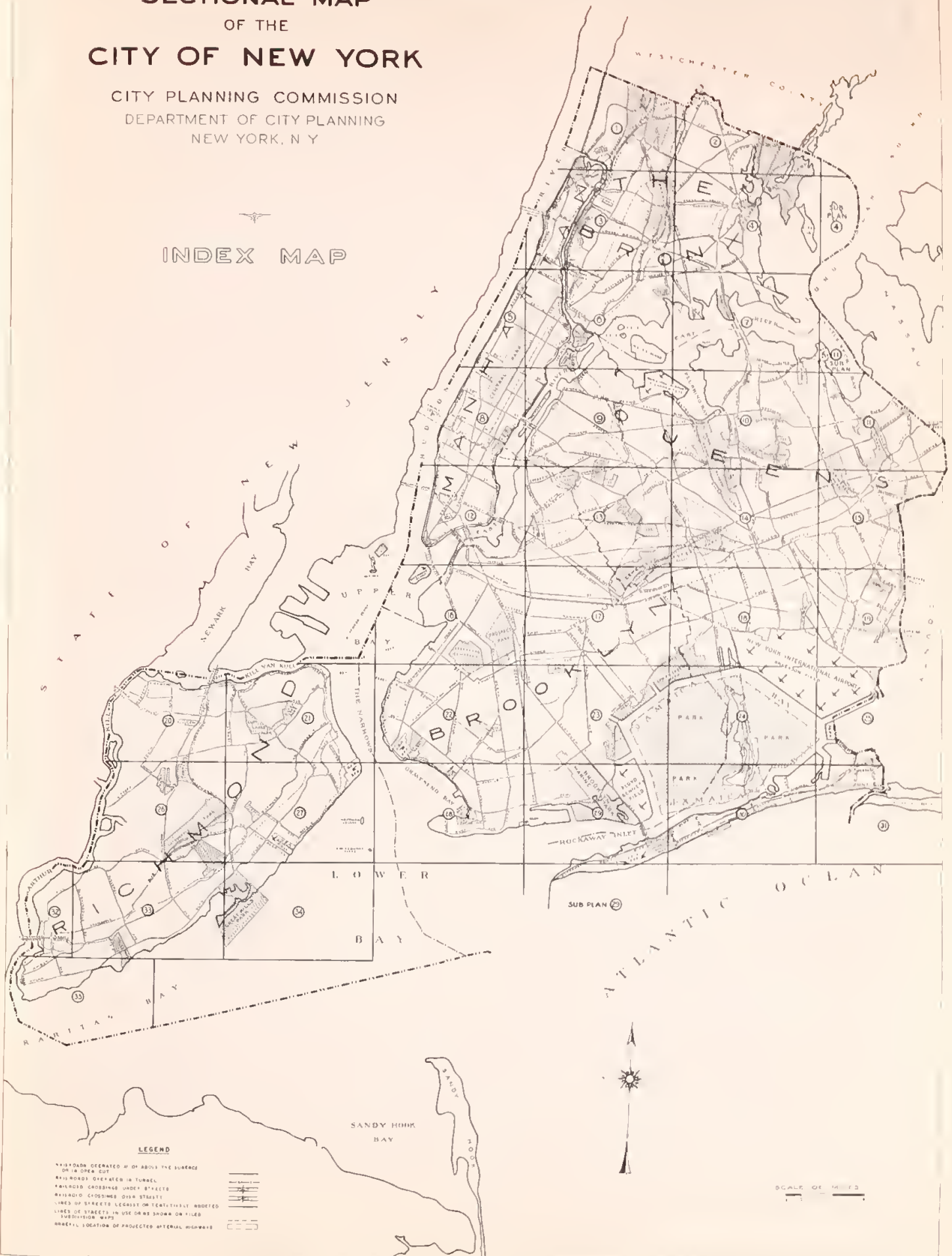
Local Retail (C1) or Local Service (C2)
District Boundaries

District Symbols and Titles

District	Maximum Floor Area Ratio	Minimum Open Space Ratio if Applicable	District	Maximum Floor Area Ratio
RESIDENCE DISTRICTS			COMMERCIAL DISTRICTS ^{1/}	
Single-Family Detached			Local Retail	
R1	50	150	C1-1	Governed by Residence District within which mapped:
R2	50	150	C1-2	
			C1-3	
			C1-4	
General			Local Service	
R3	50	150		R1, R2, R3 50
R4	70	90		R4 70
R5	100	60	C2-1	R5 100
R6	200	30	C2-2	R6, R7, R8, R9 200
R7	280	20	C2-3	
R8	450	10	C2-4	
R9	1000	-		
			Waterfront	
			C3	50
			General Commercial	
			C4-1	100
			C4-2	200
			C4-3	200
			C4-4	340
			C4-5	340
			C4-6	340
			C4-7	340
			Restricted Central Commercial	
			C5-1	340
			C5-2	1000
			C5-3	1500
			General Central Commercial	
			C6-1	600
			C6-2	1000
			C6-3	1500
			Commercial Amusement	
			C7	200
			General Service	
			C8-1	80
			C8-2	200
			C8-3	500
MANUFACTURING DISTRICTS				
Light Manufacturing (High Performance)				
M1-1	80			
M1-2	200			
M1-3	500			
M1-4	200			
M1-5	500			
M1-6	1000			
Medium Manufacturing (Medium Performance)				
M2-1	200			
M2-2	500			
M2-3	200			
M2-4	500			
Heavy Manufacturing (Low Performance)				
M3-1	200			
M3-2	200			

^{1/} Floor area ratios indicated are for buildings other than residences.

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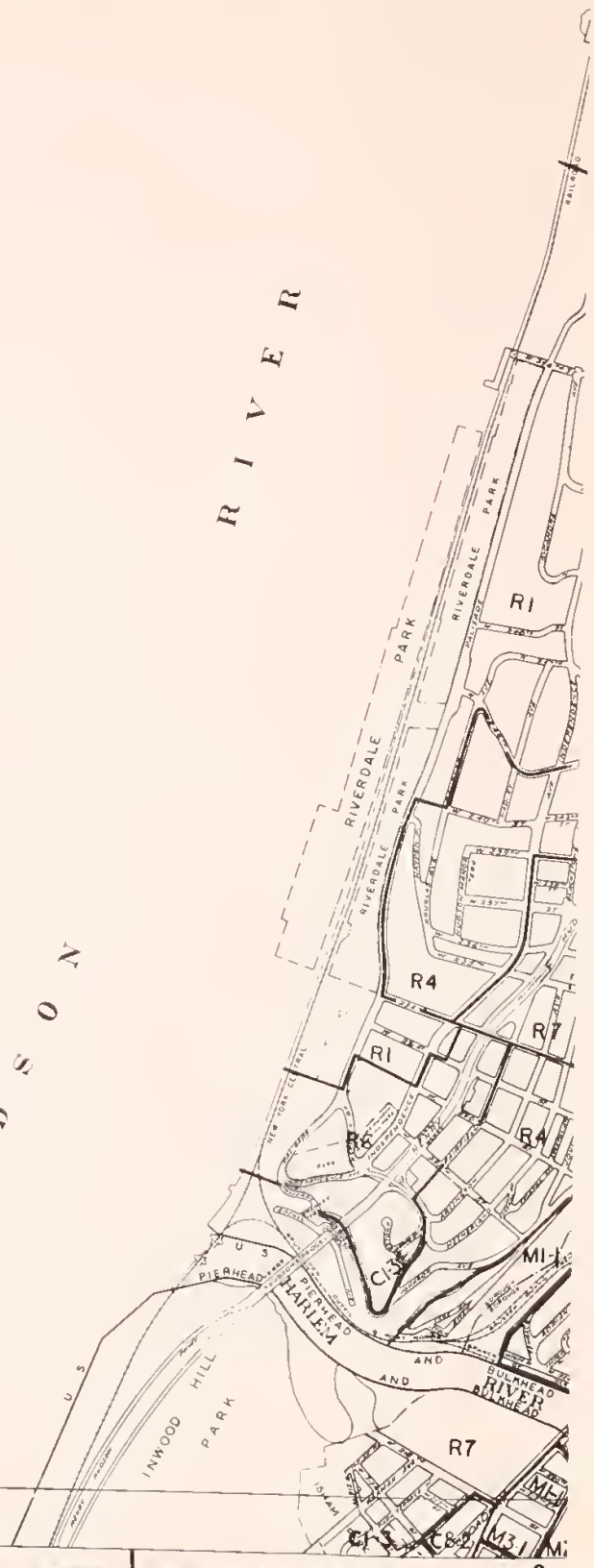
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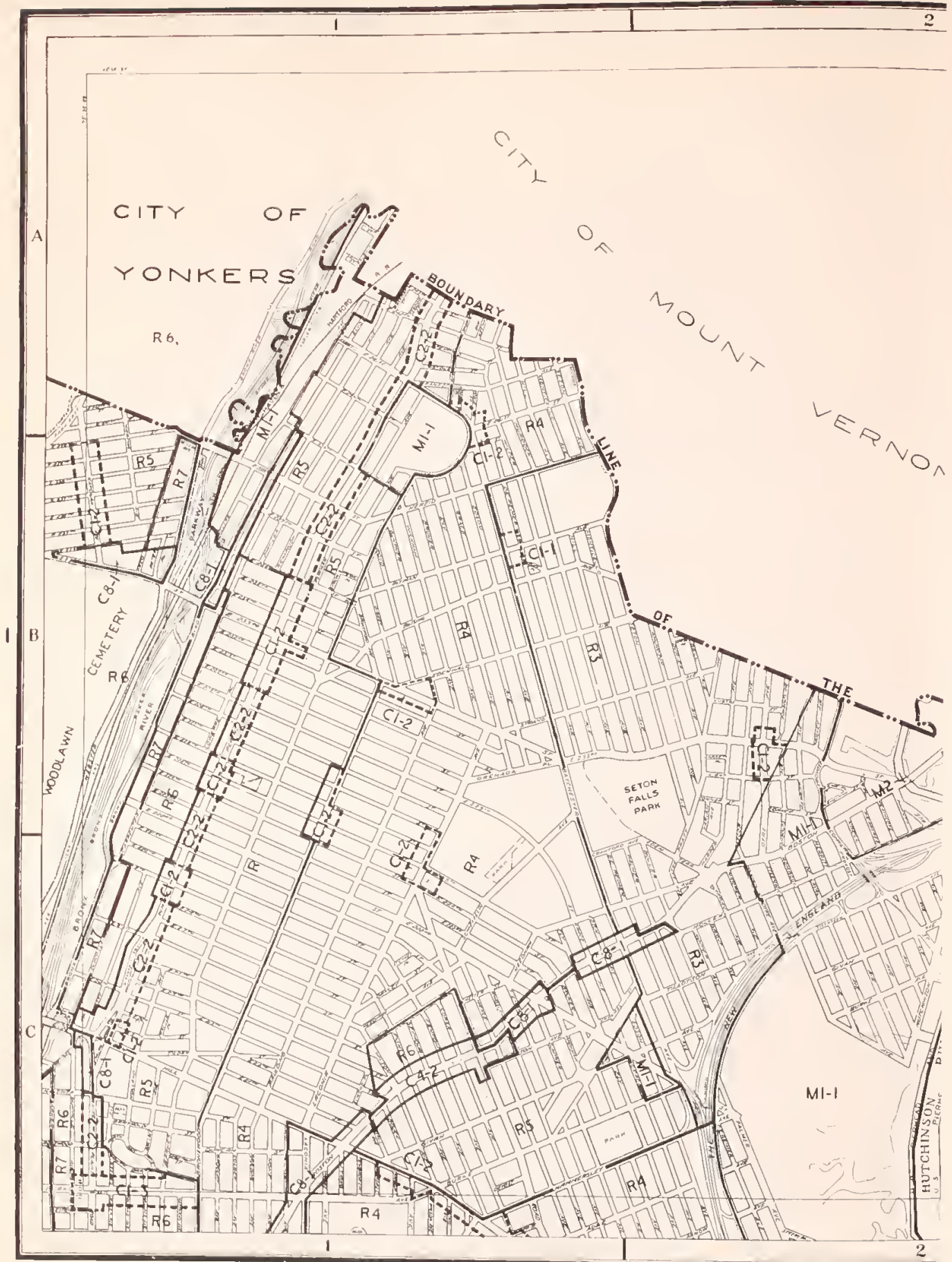
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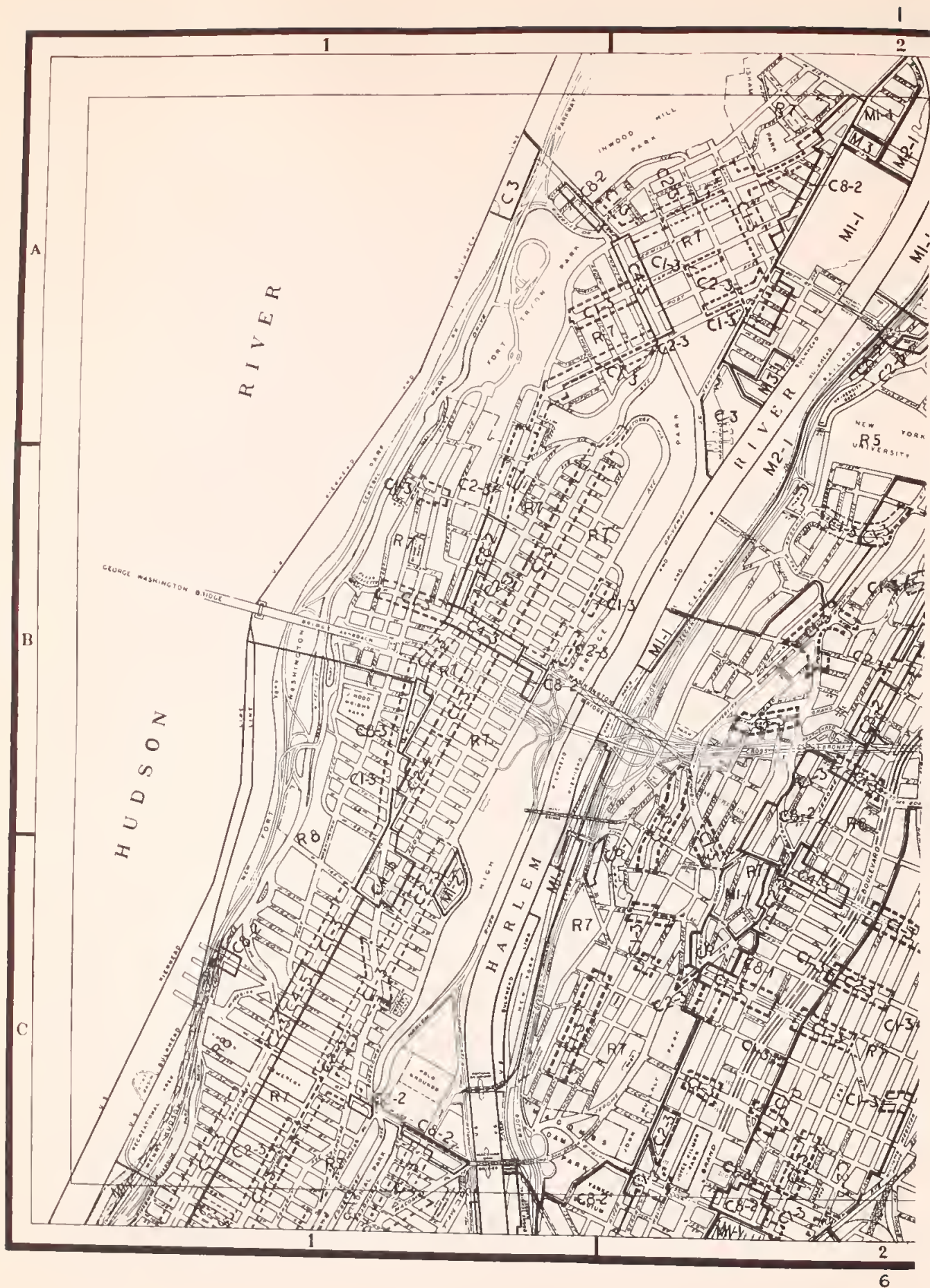
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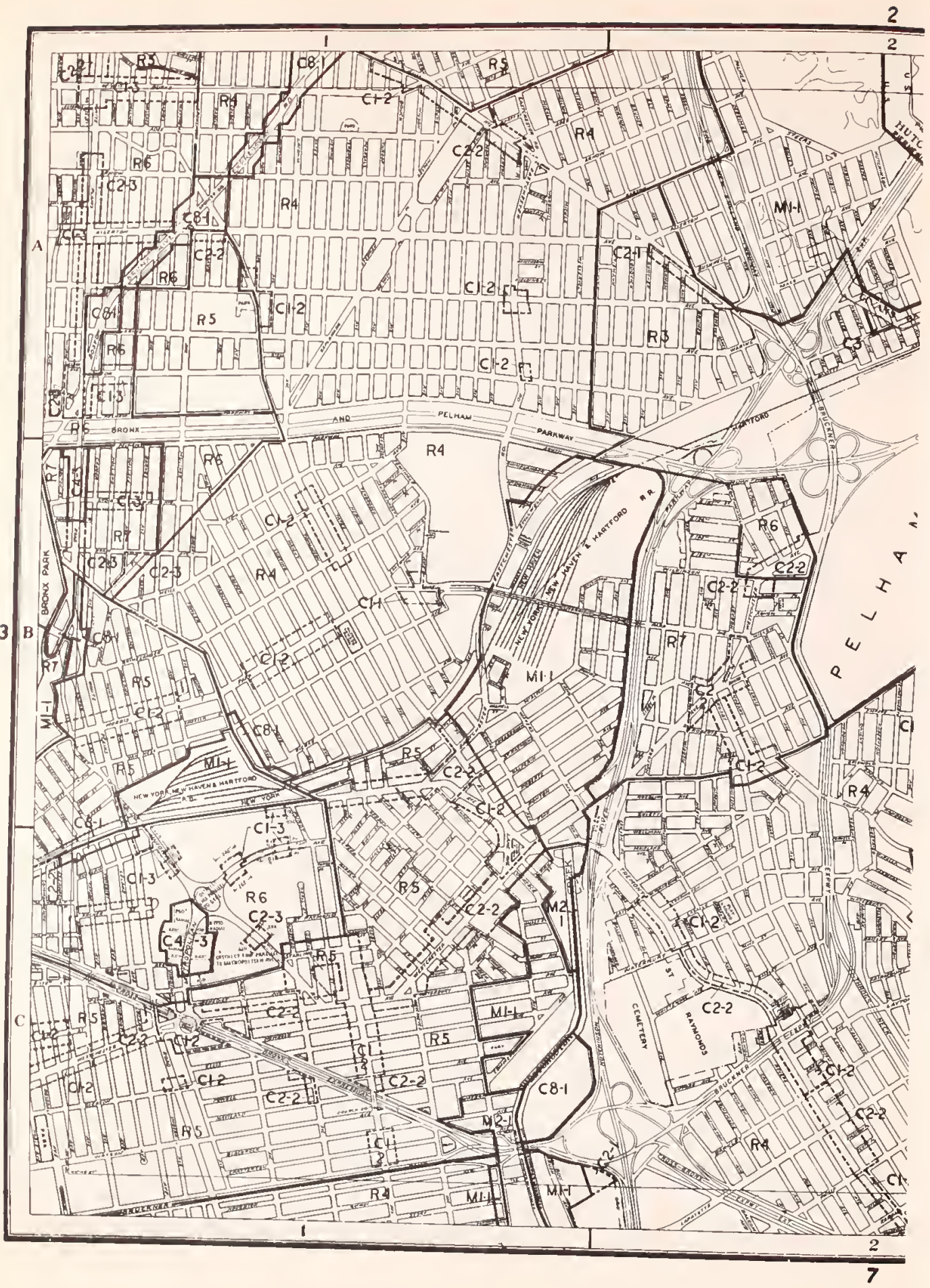
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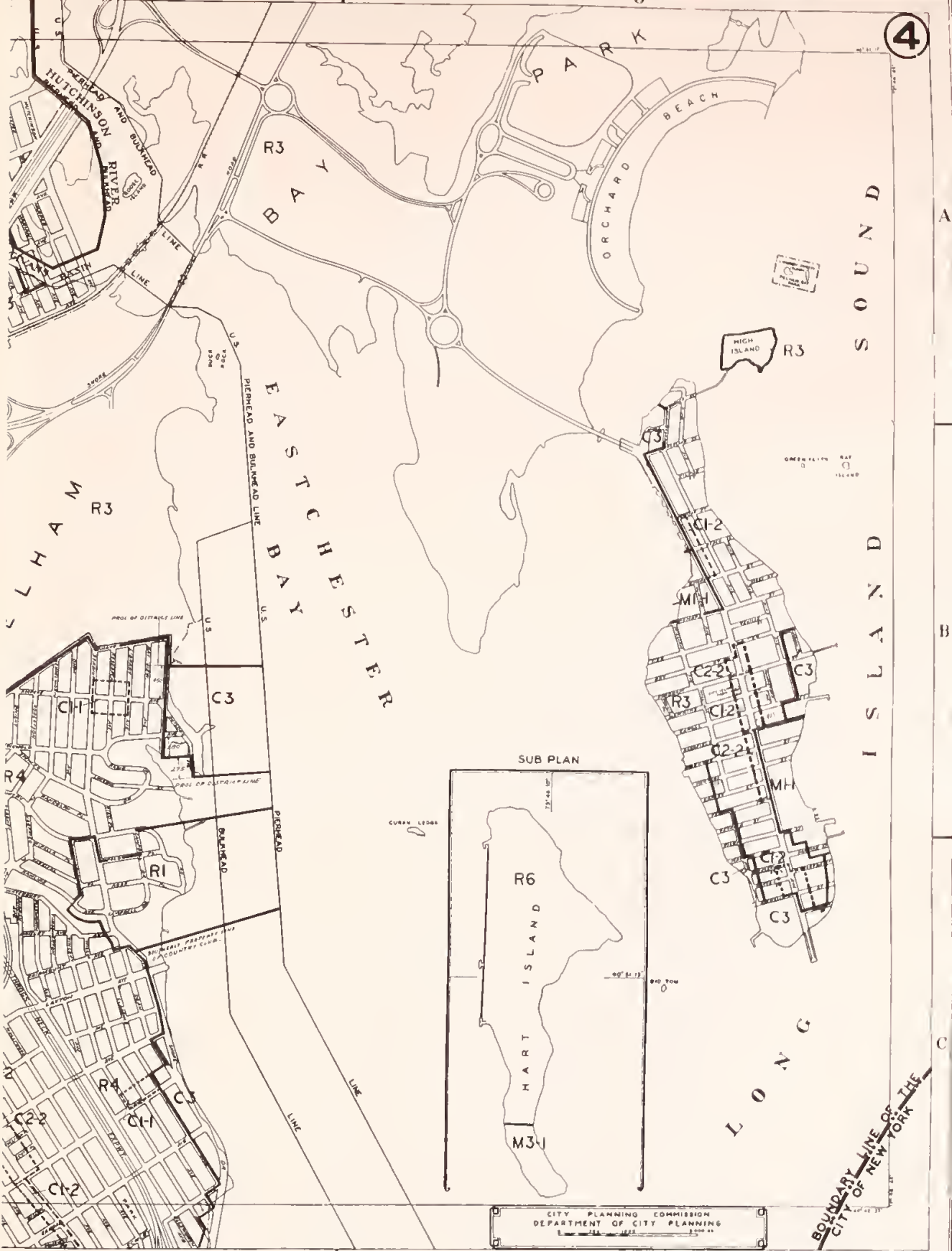










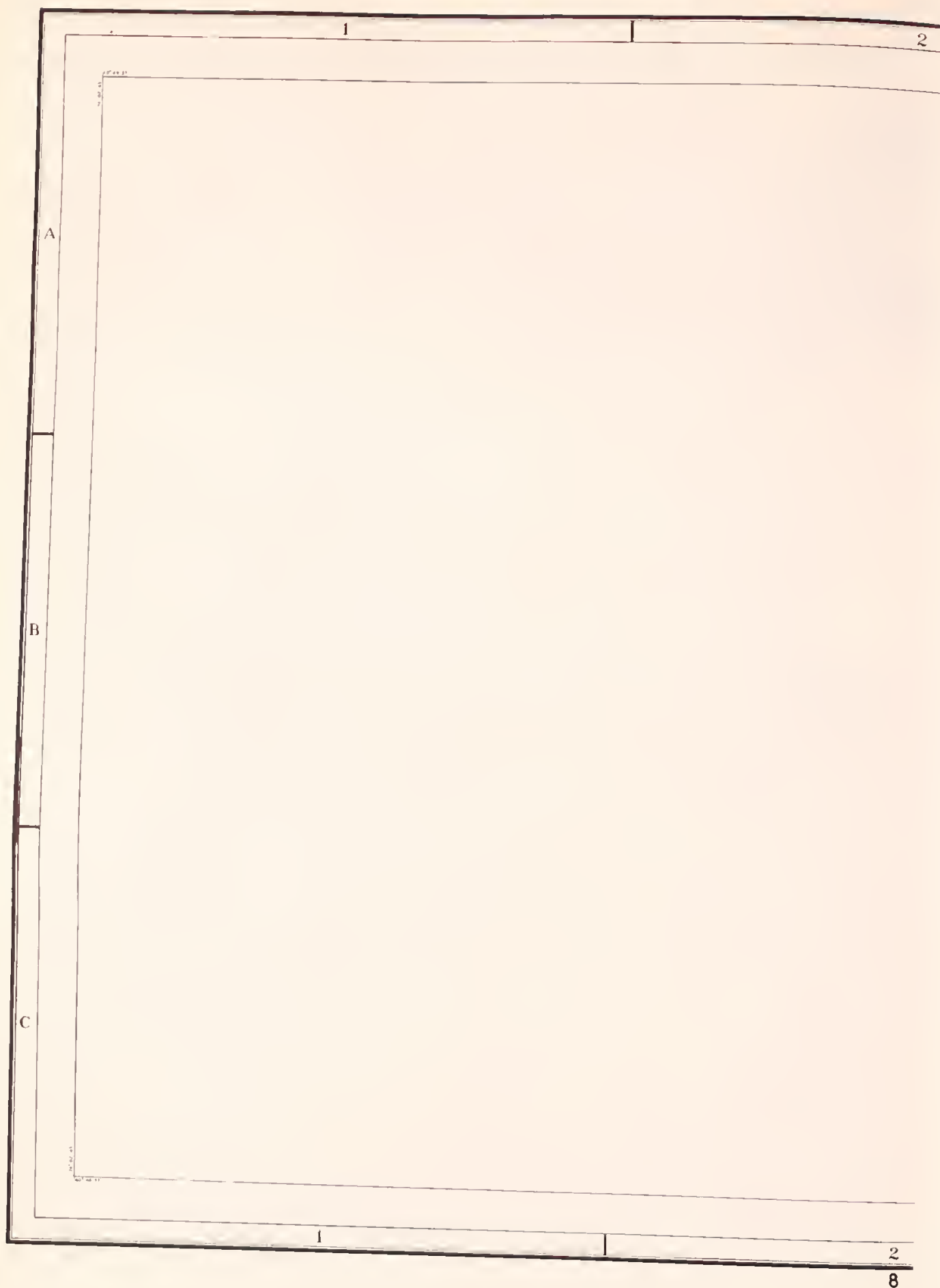


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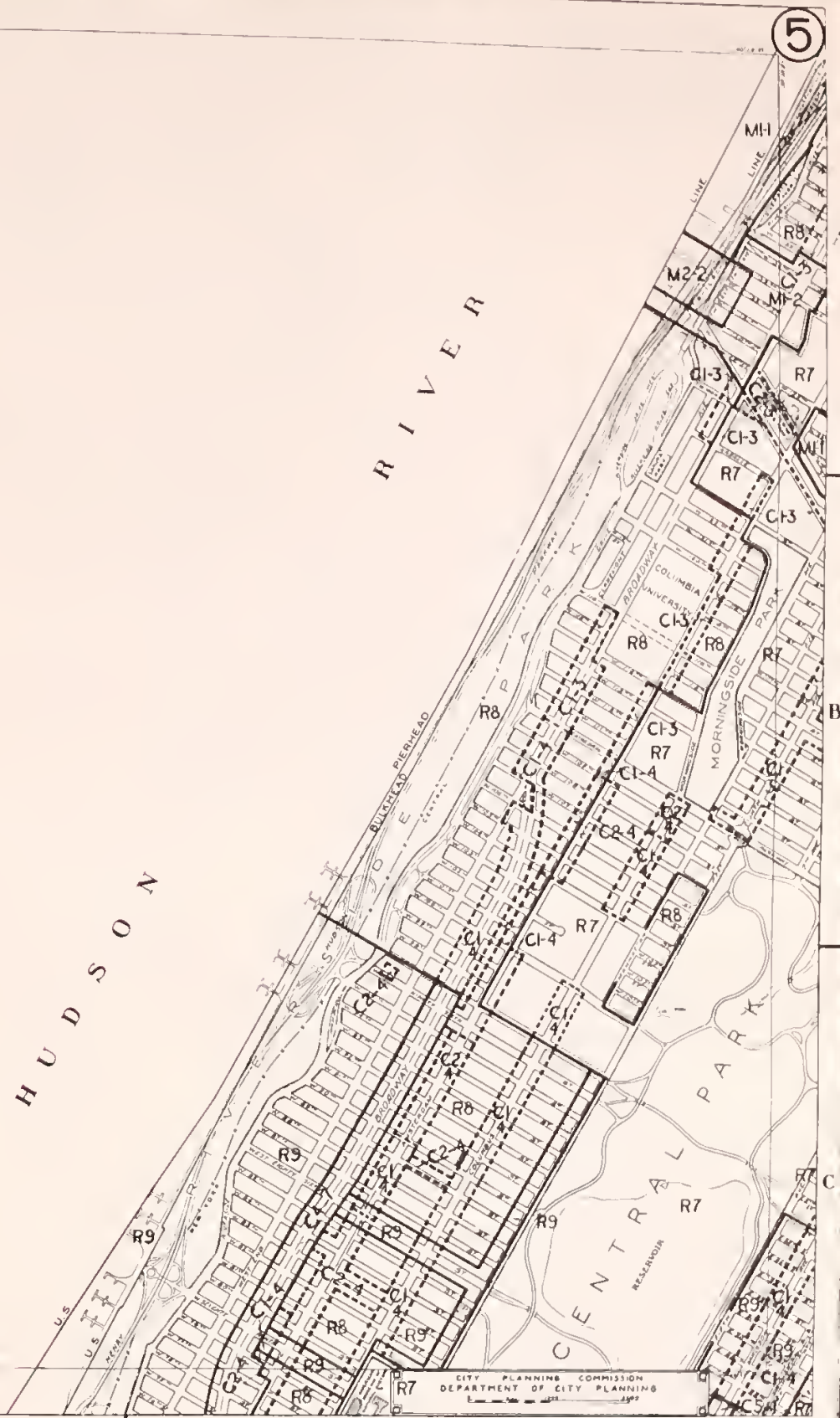
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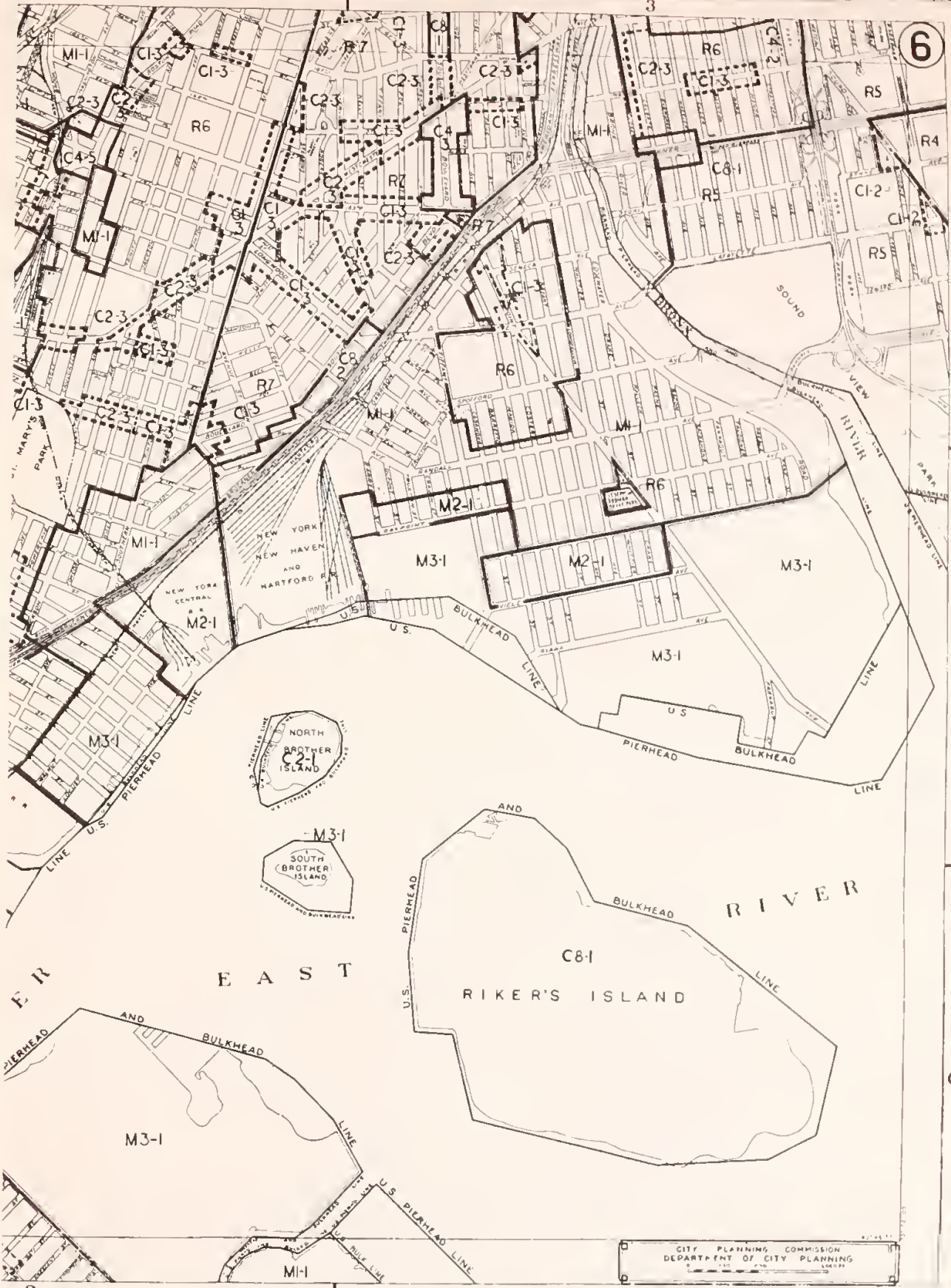


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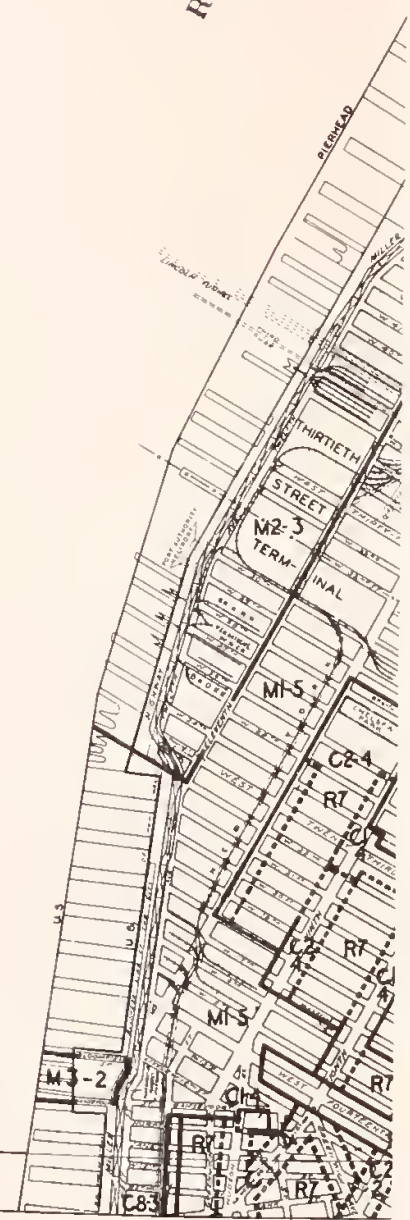
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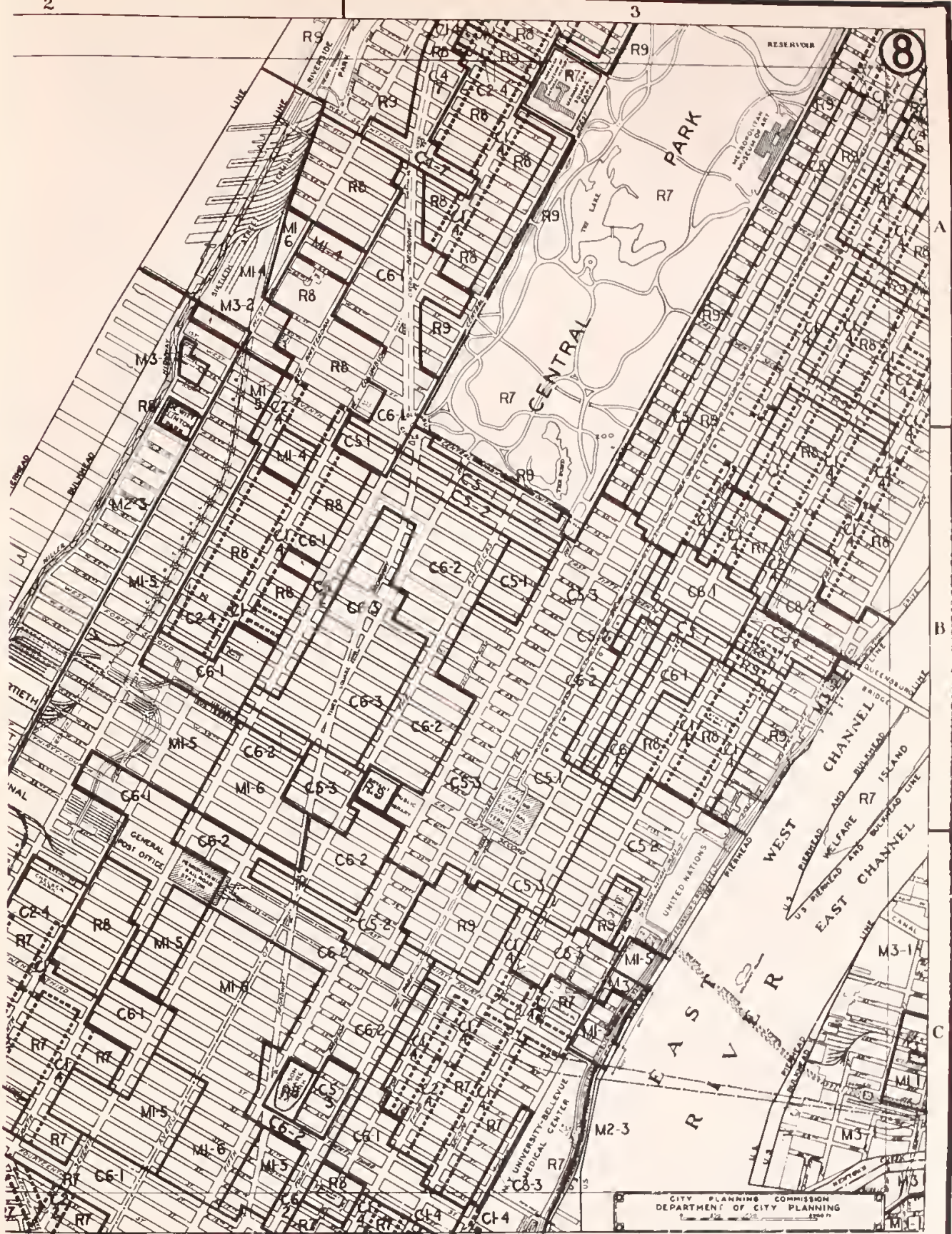
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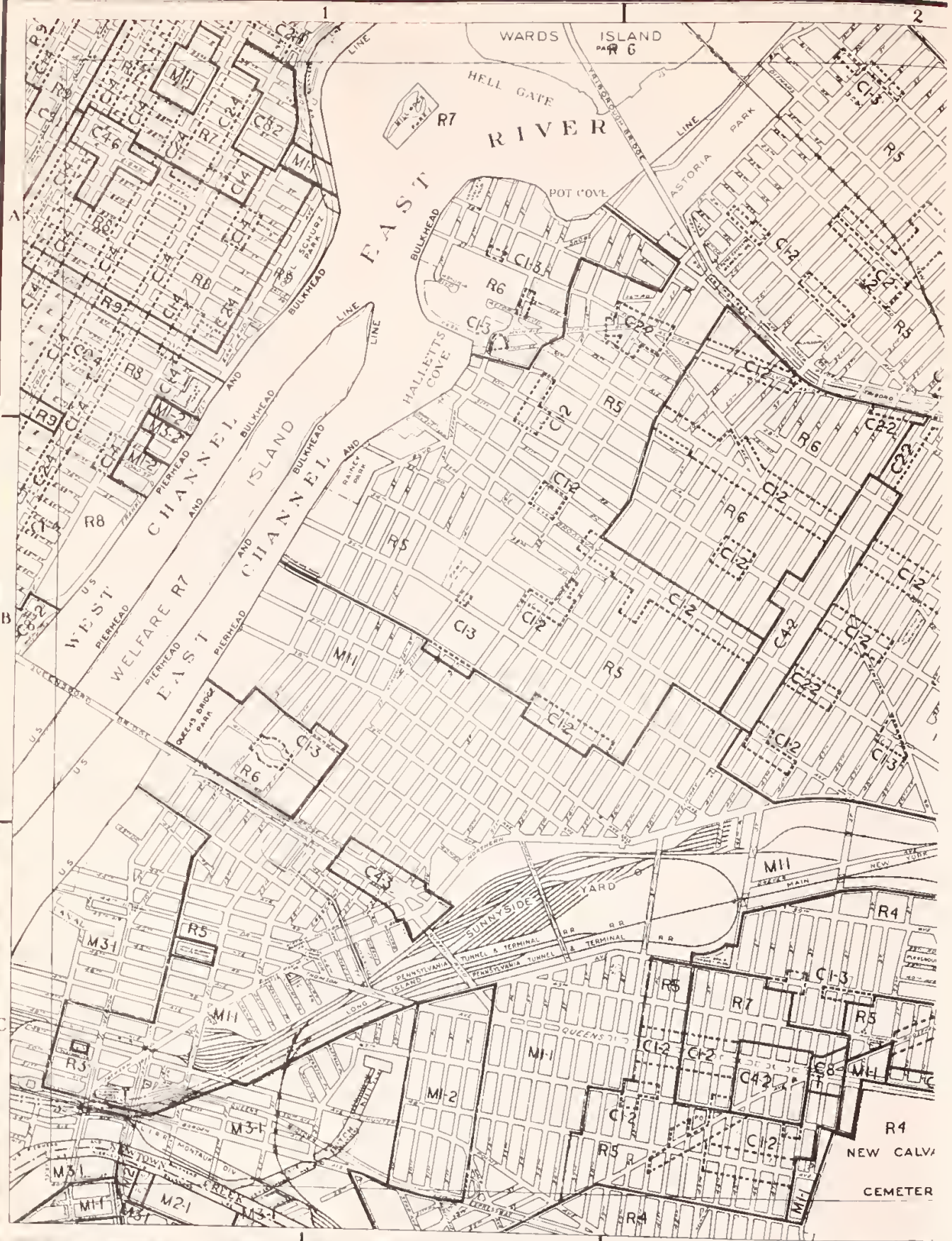
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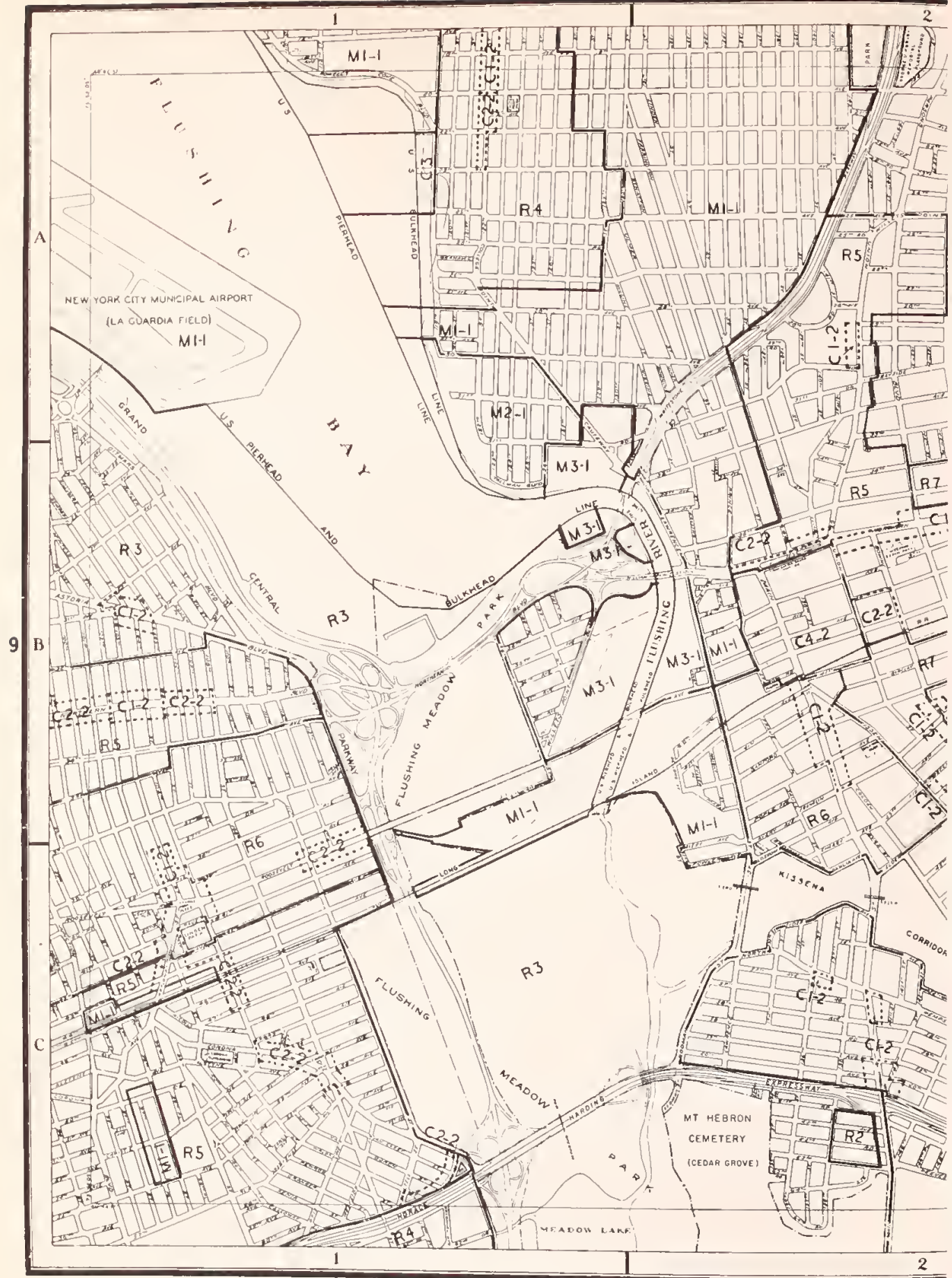
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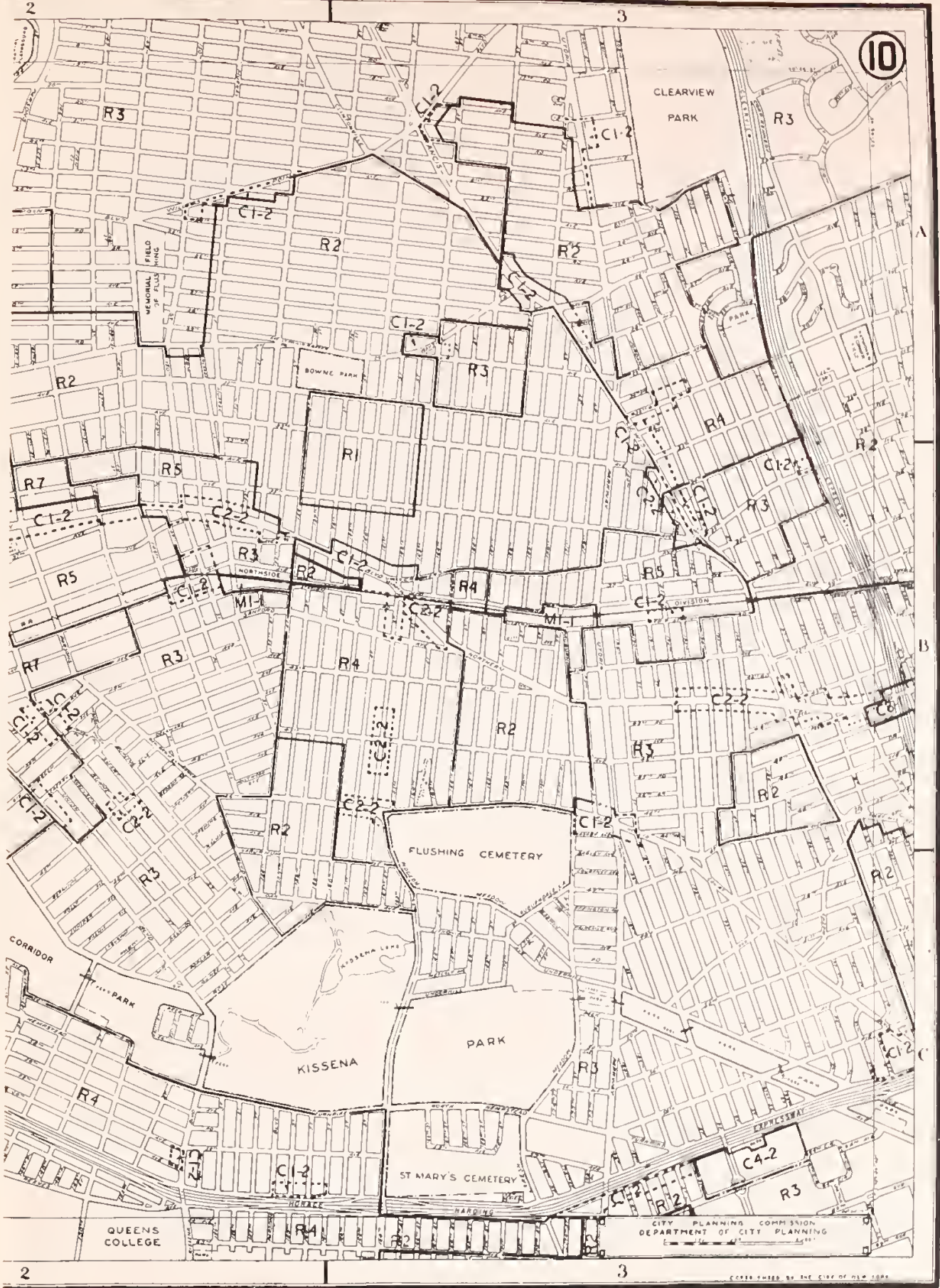














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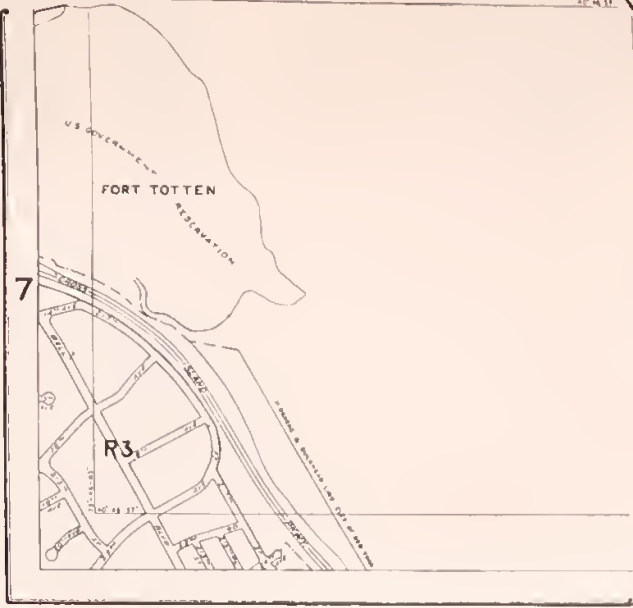
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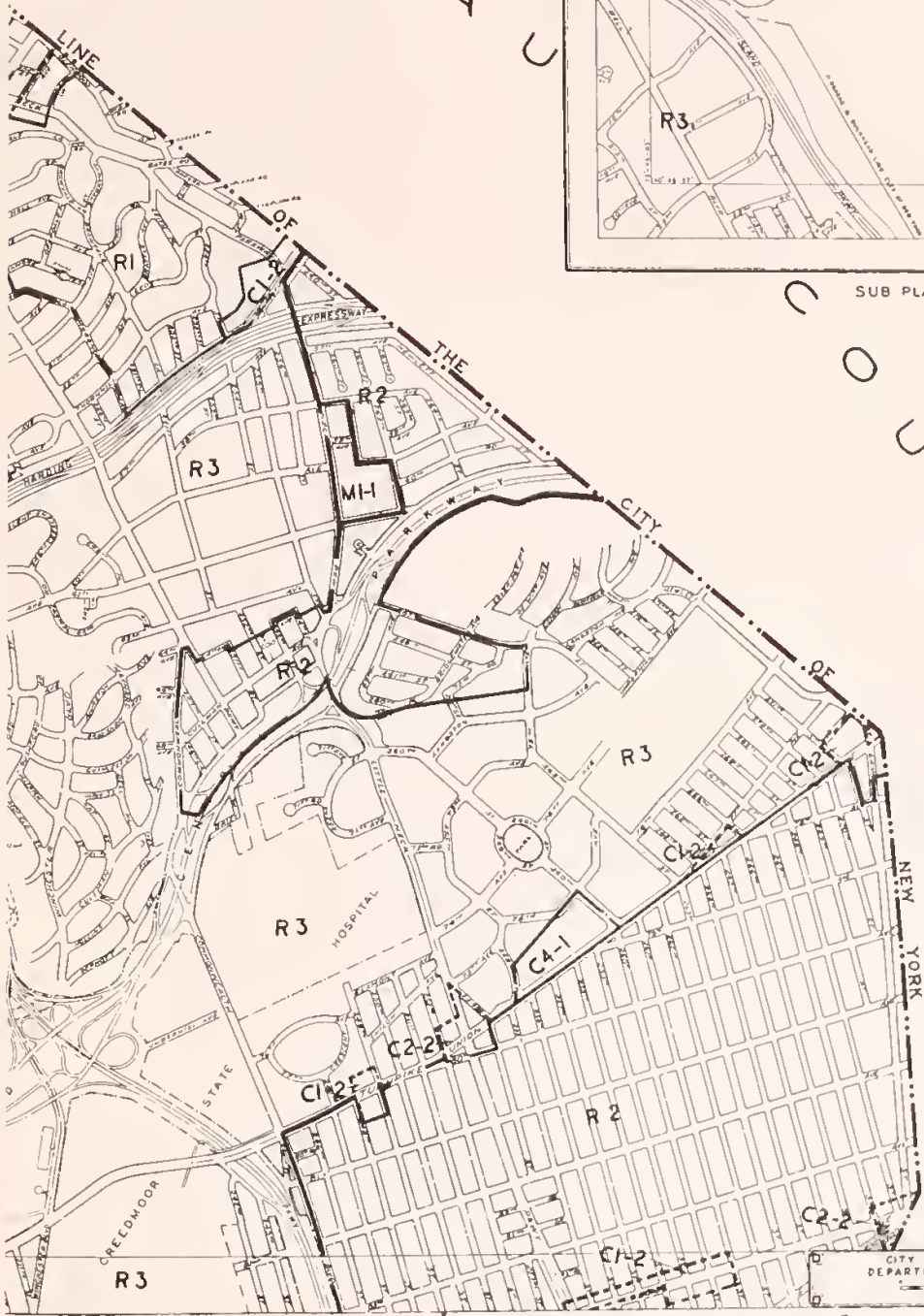
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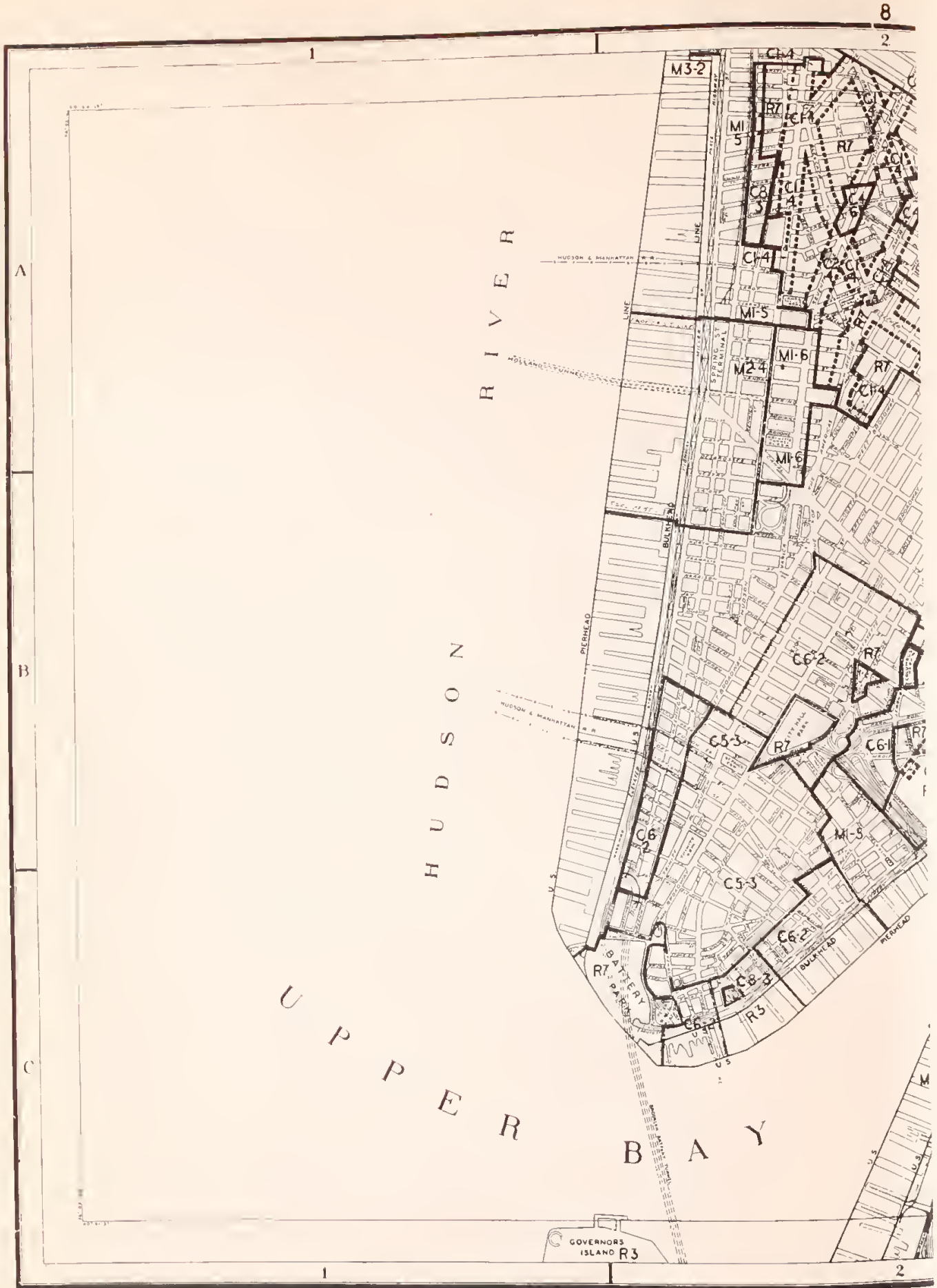


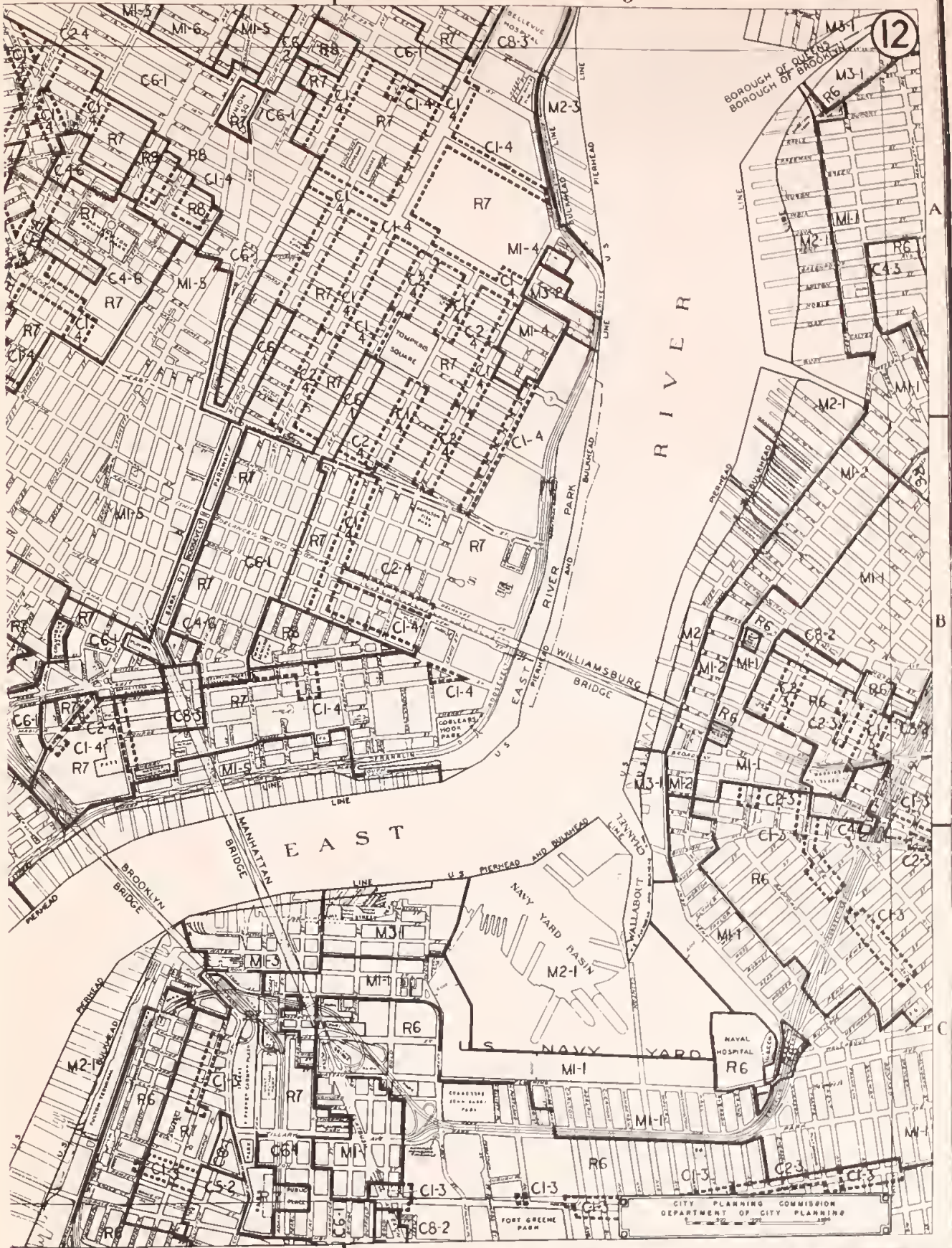
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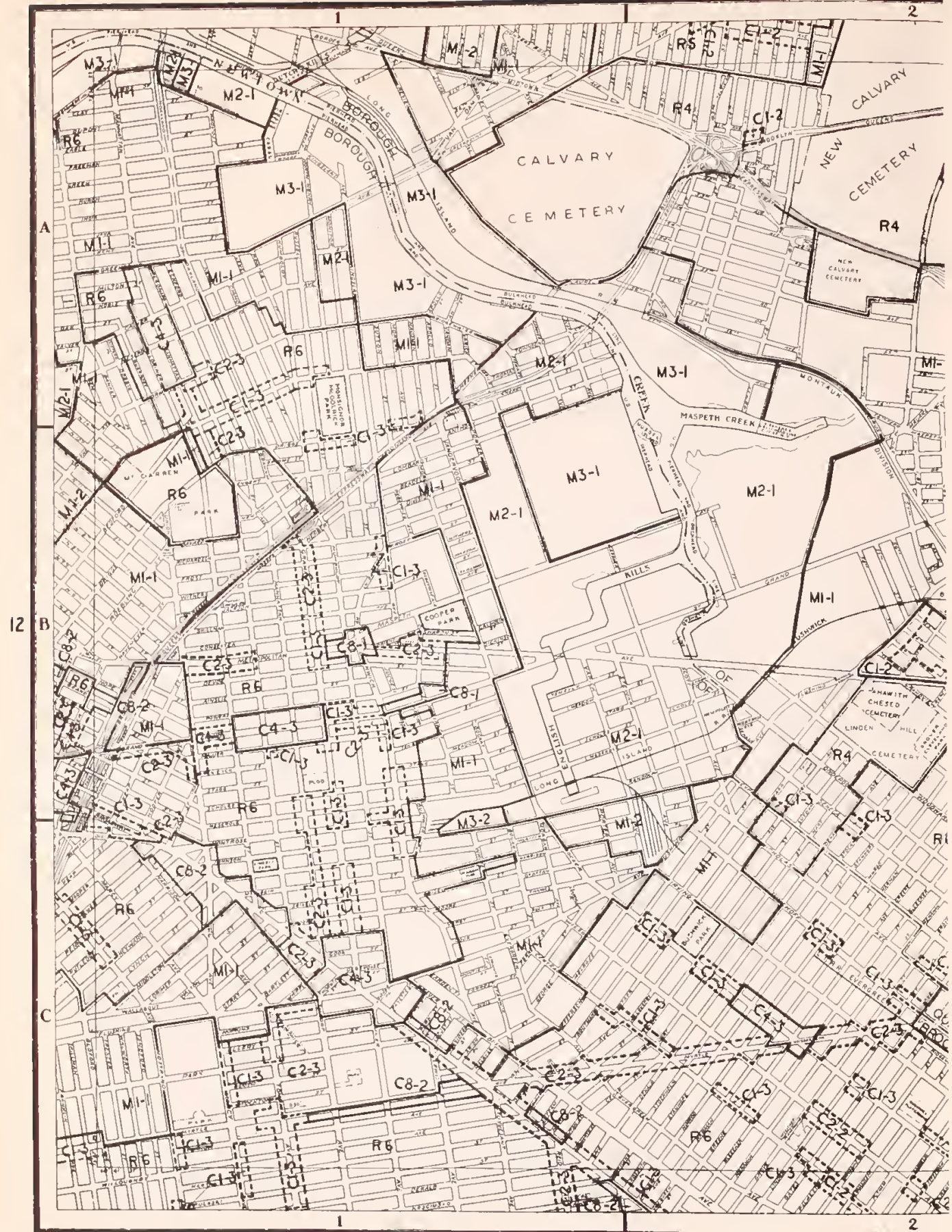


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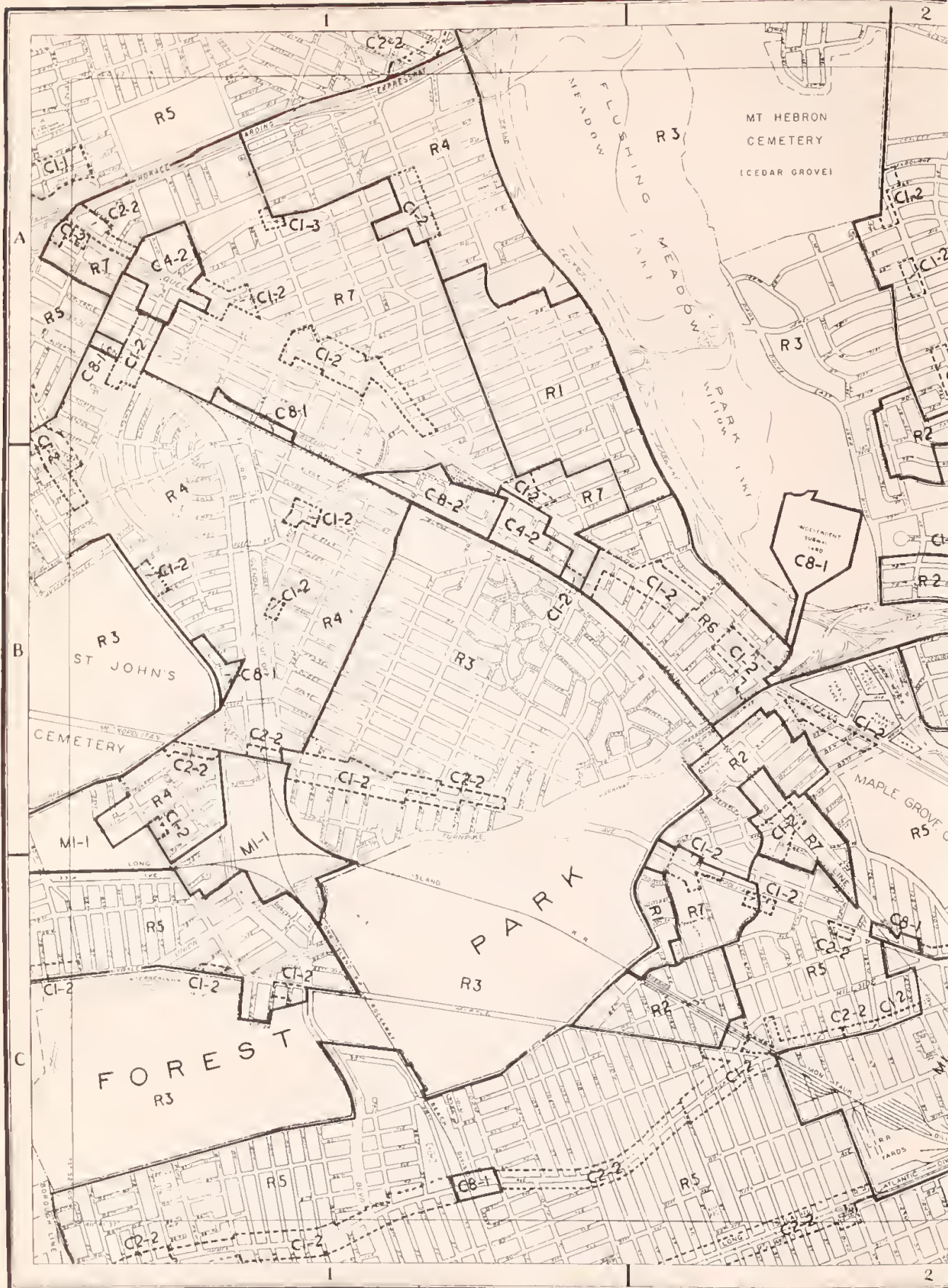
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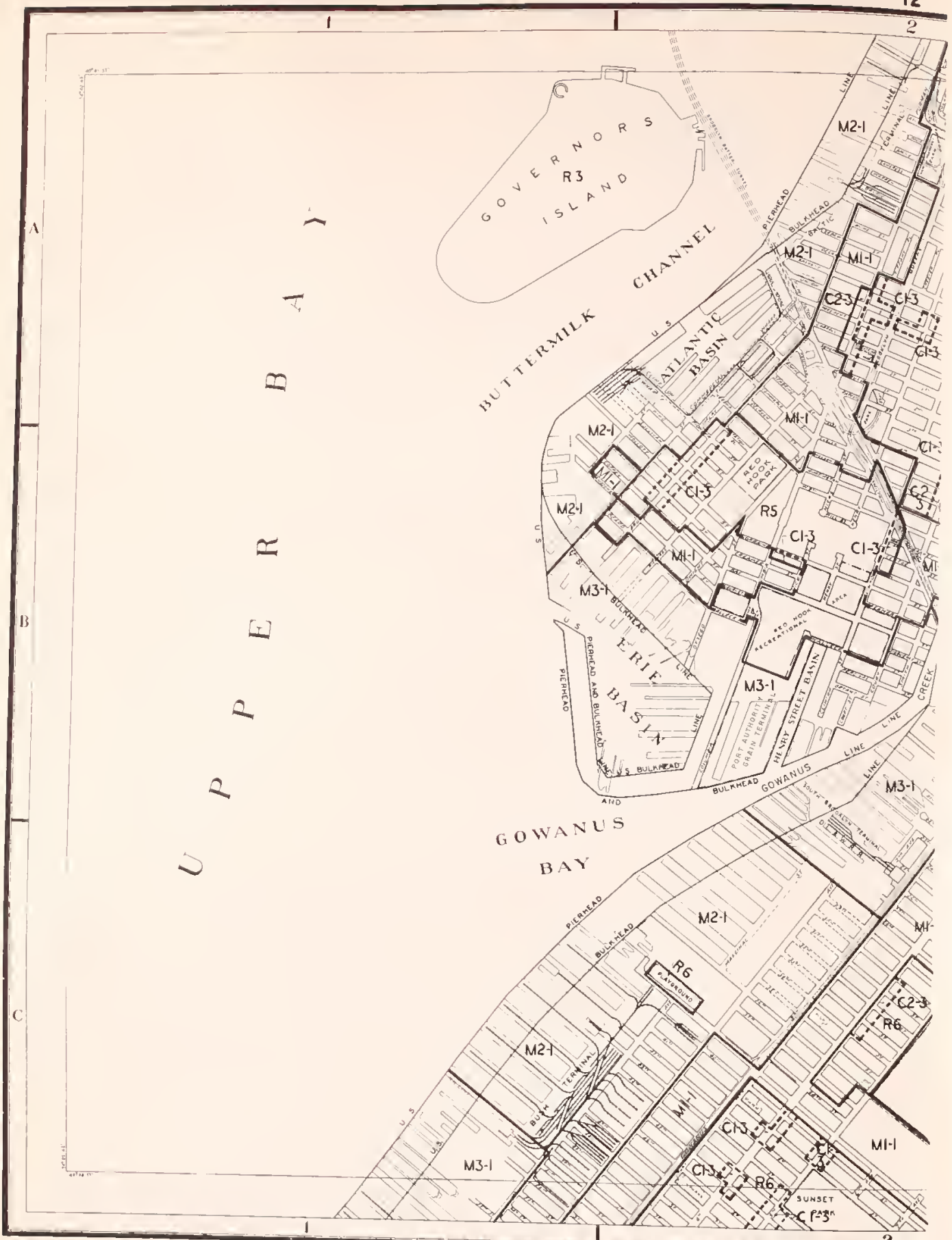


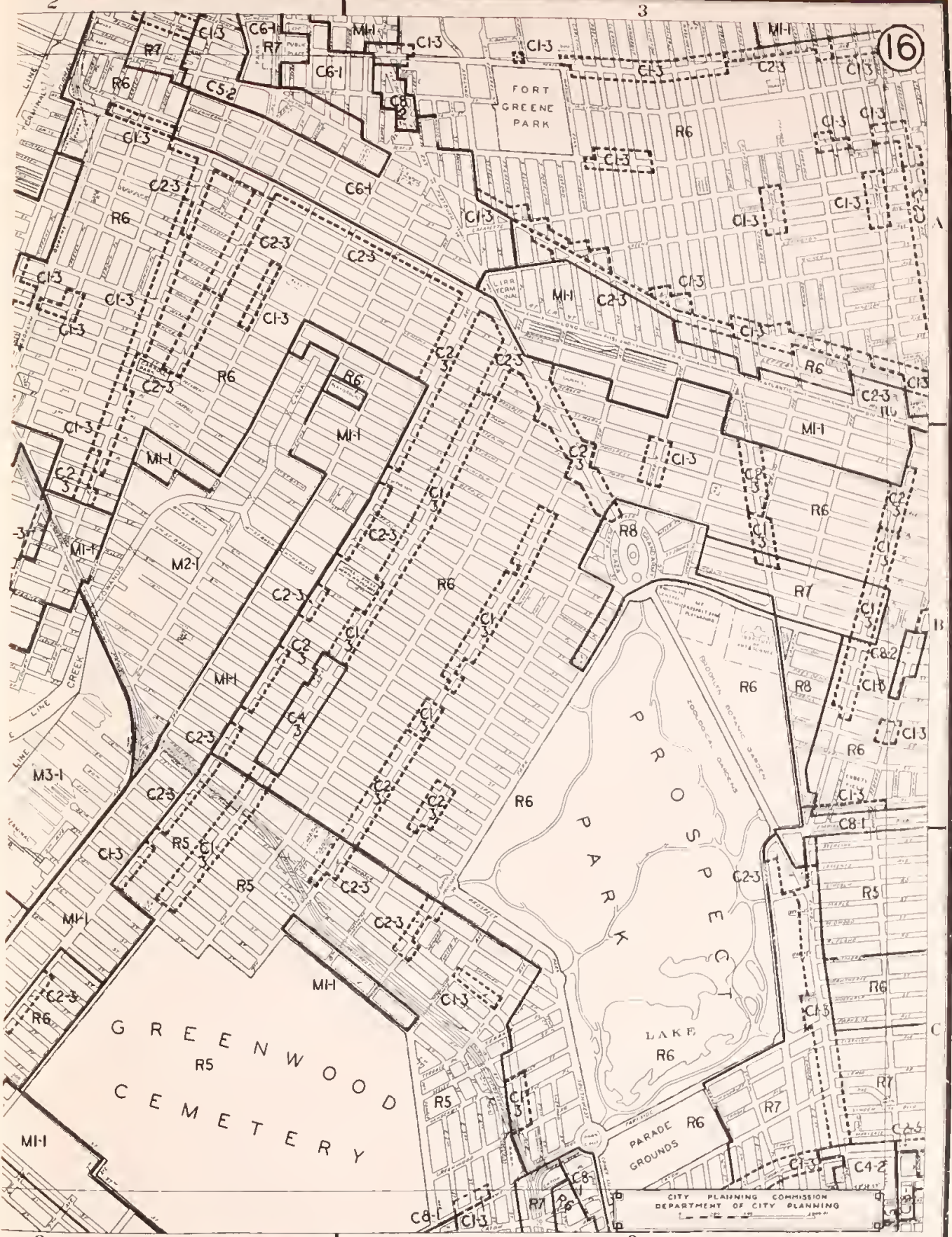
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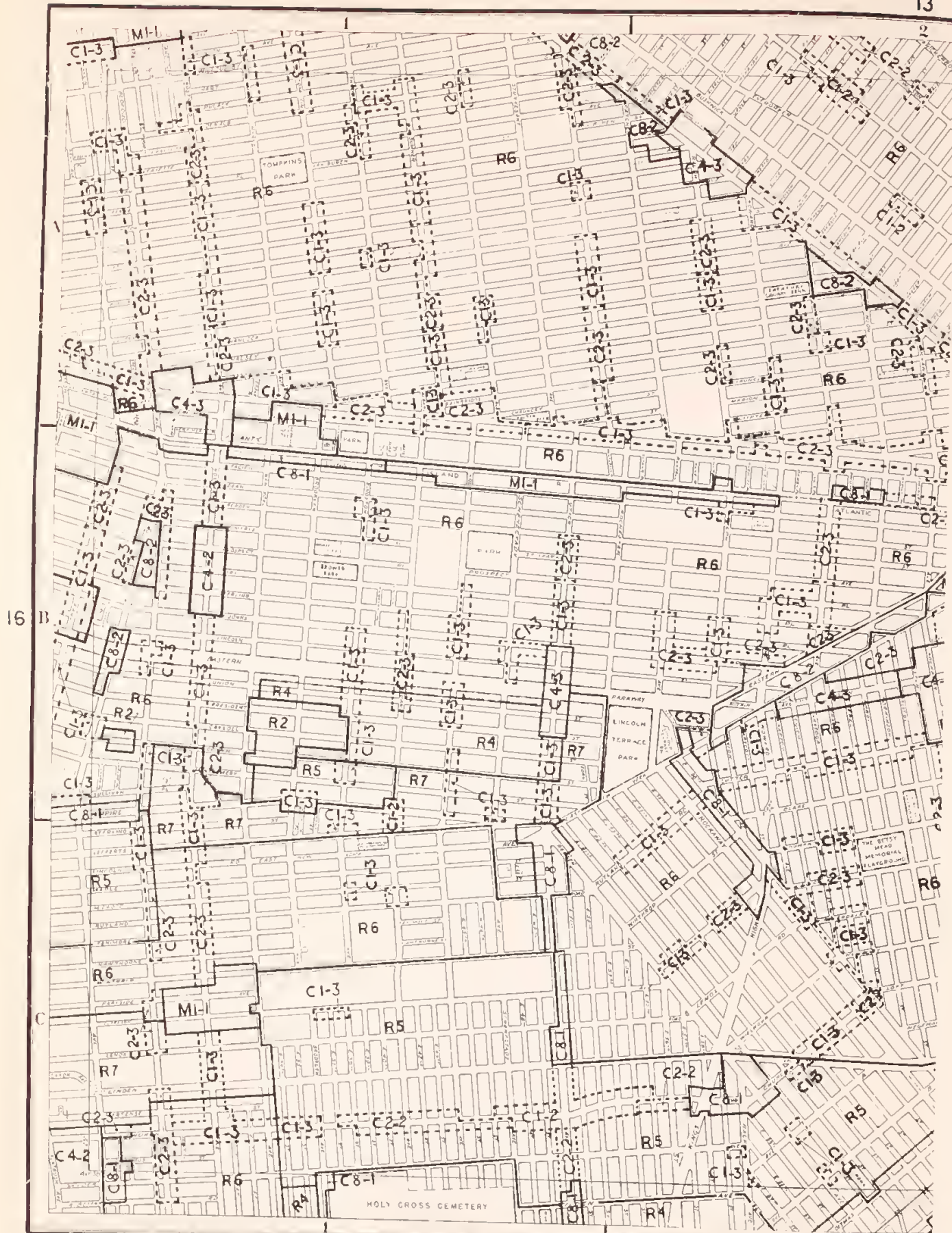


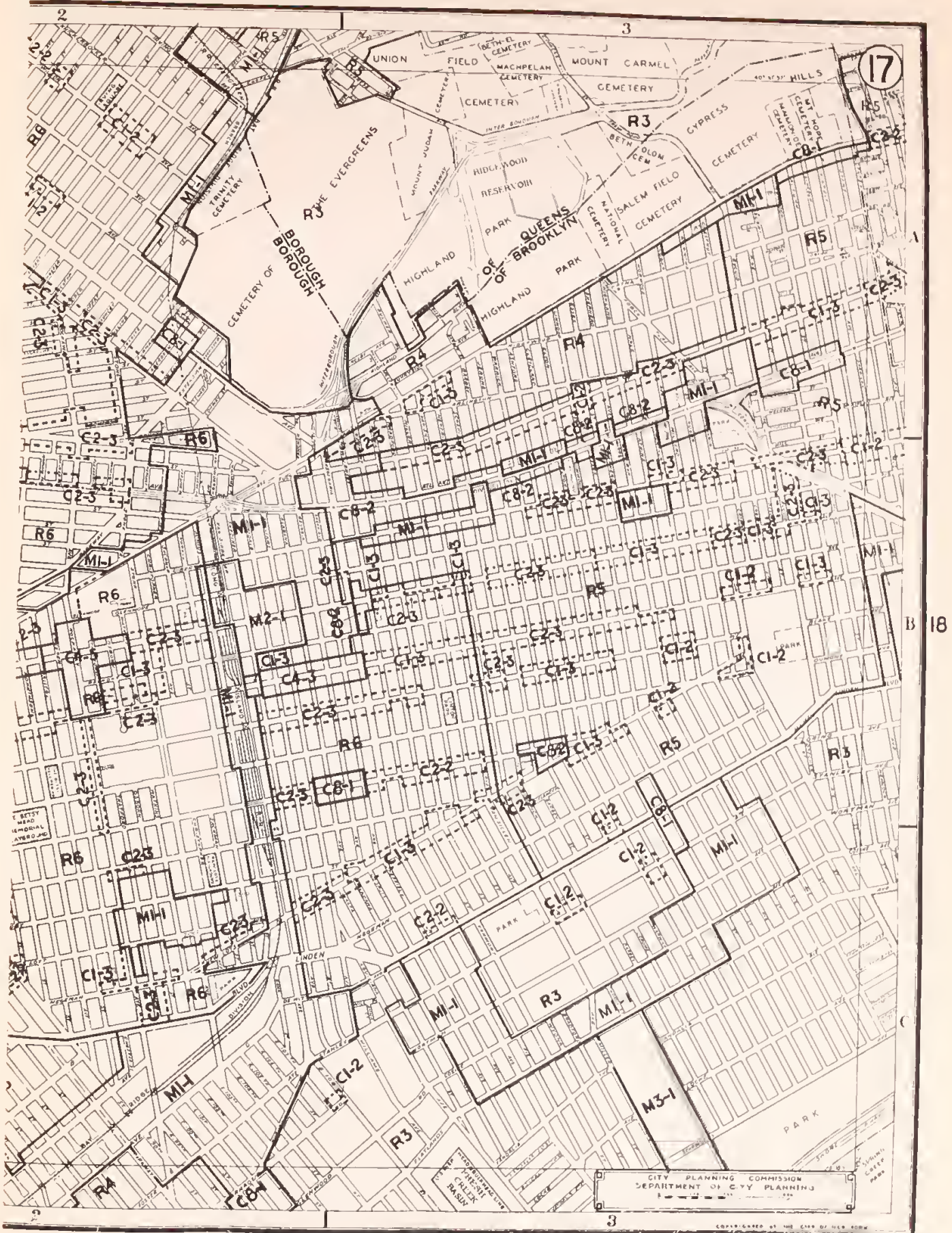


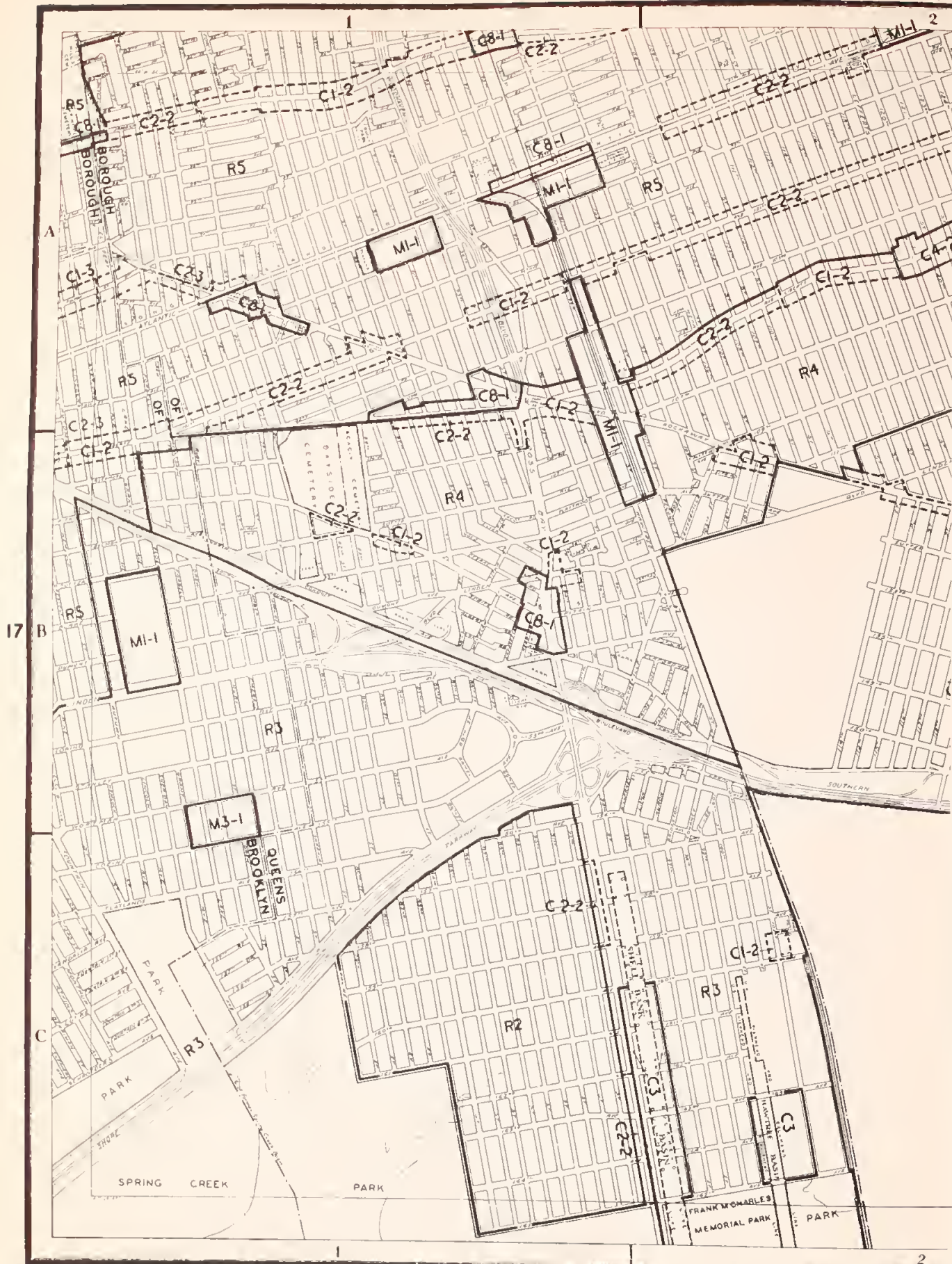
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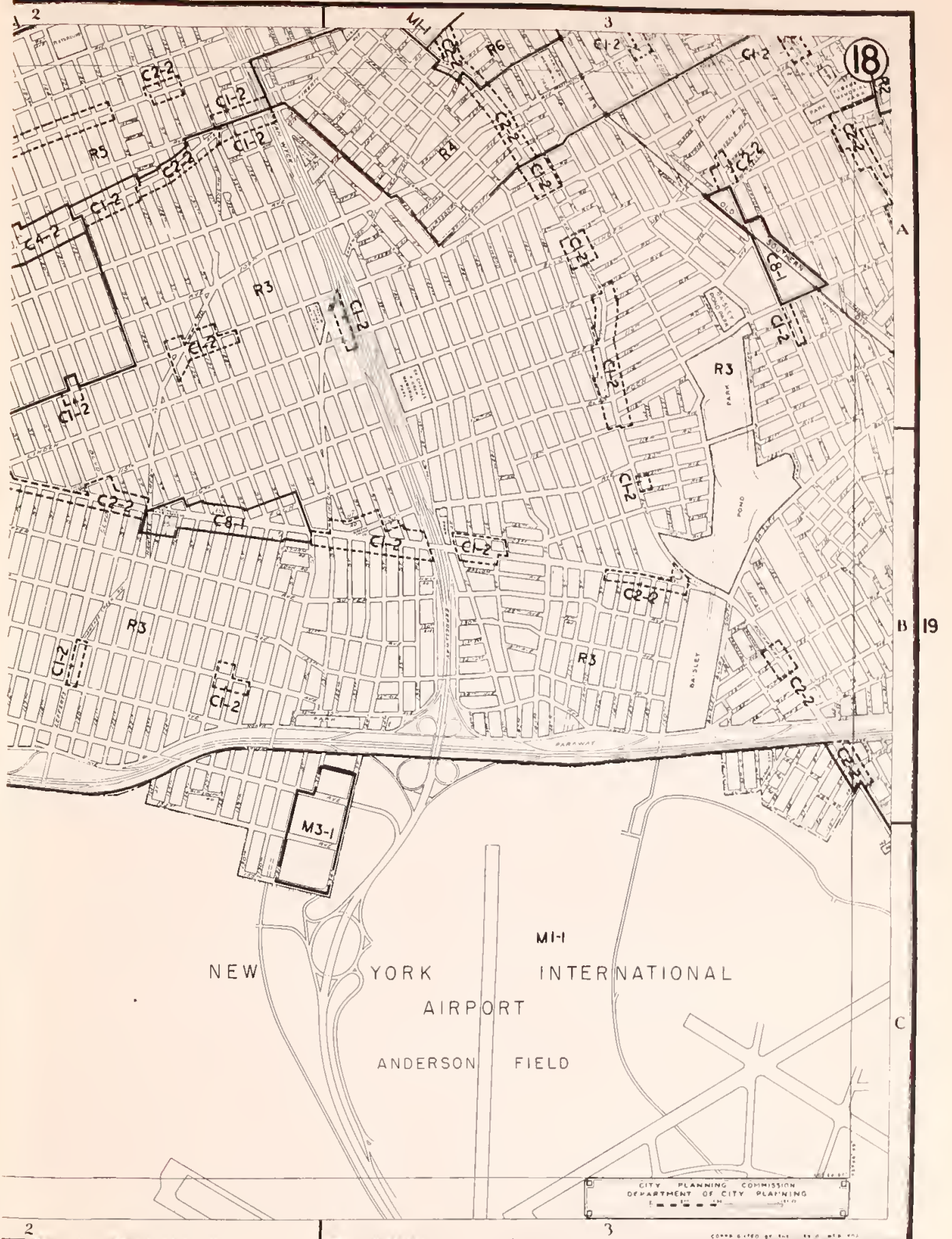


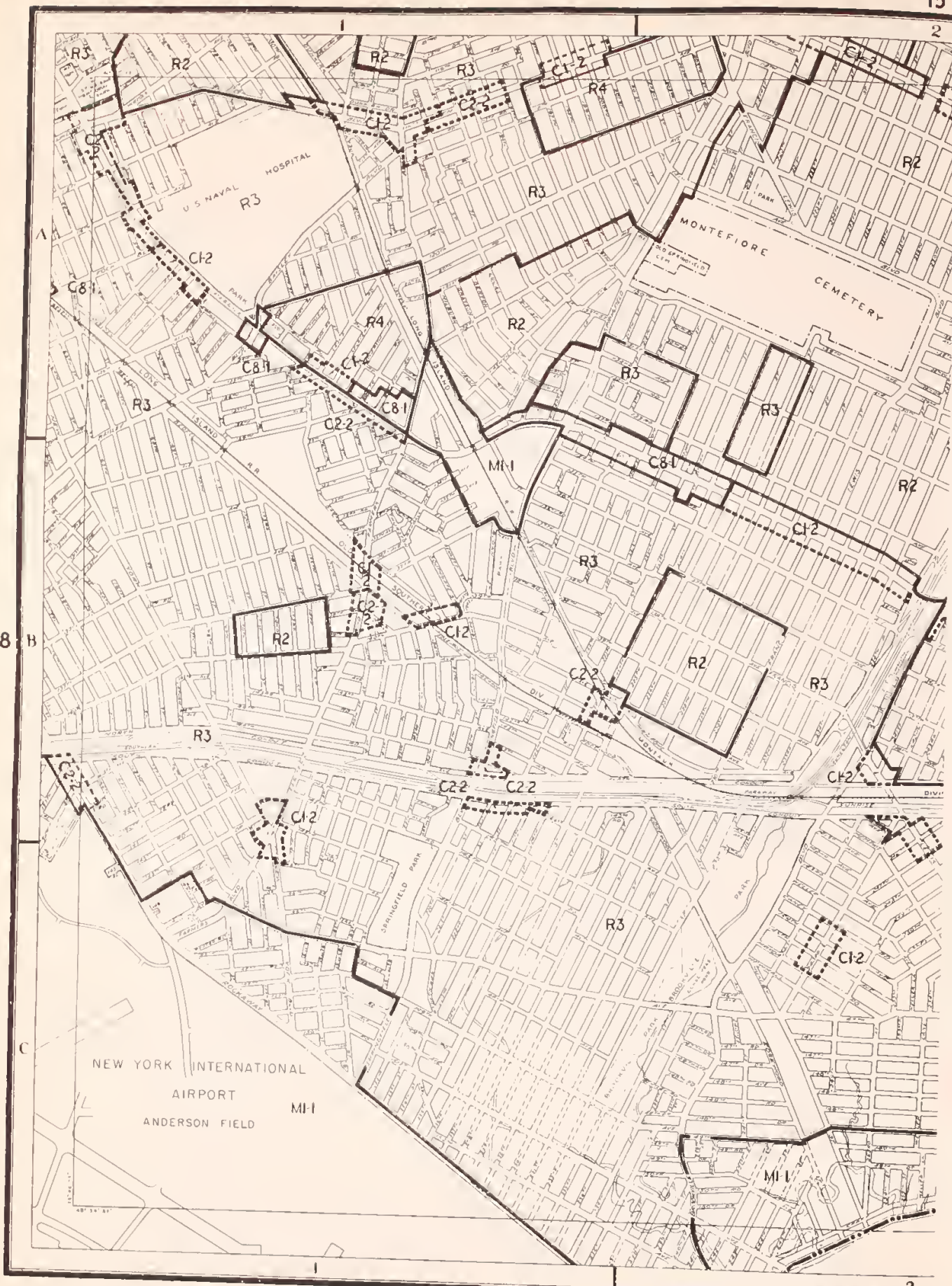


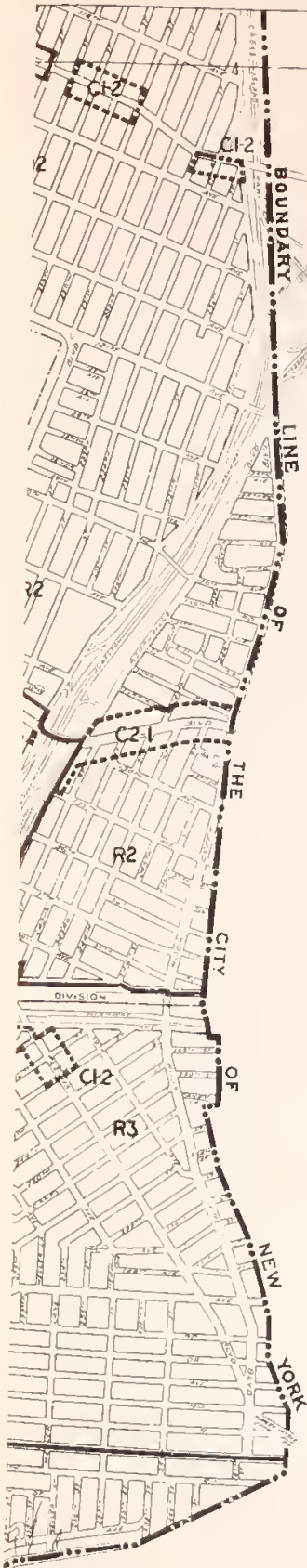












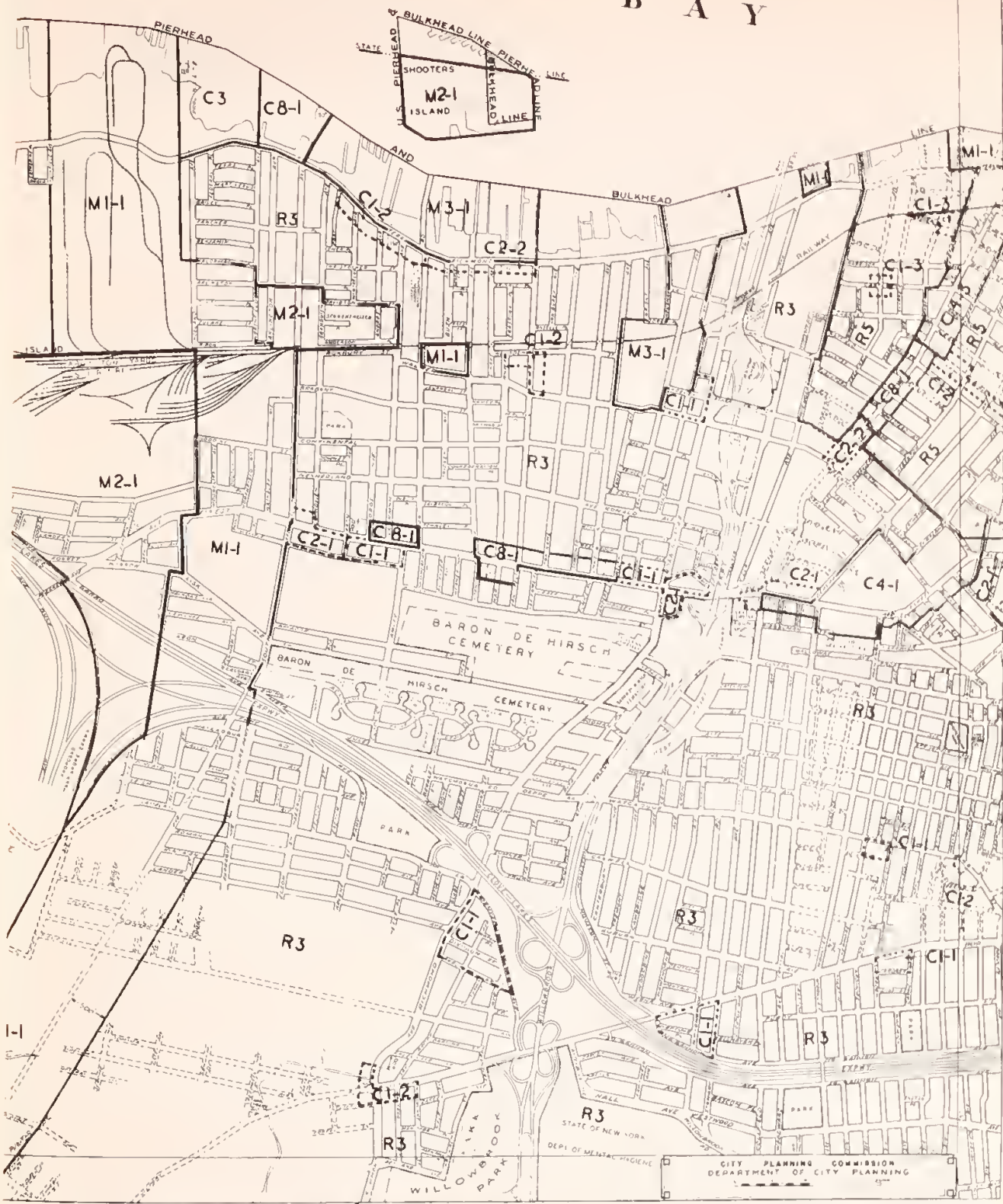
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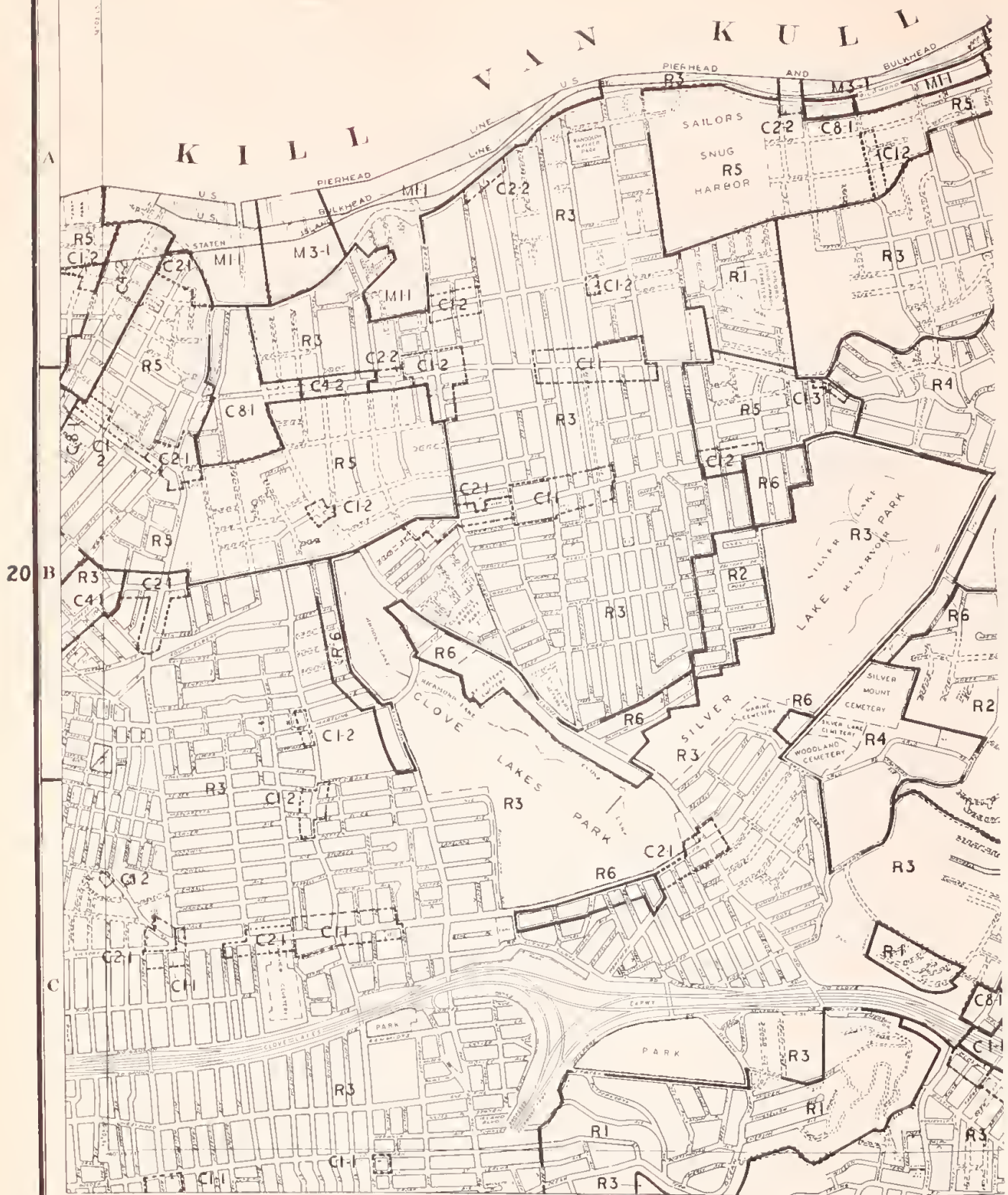
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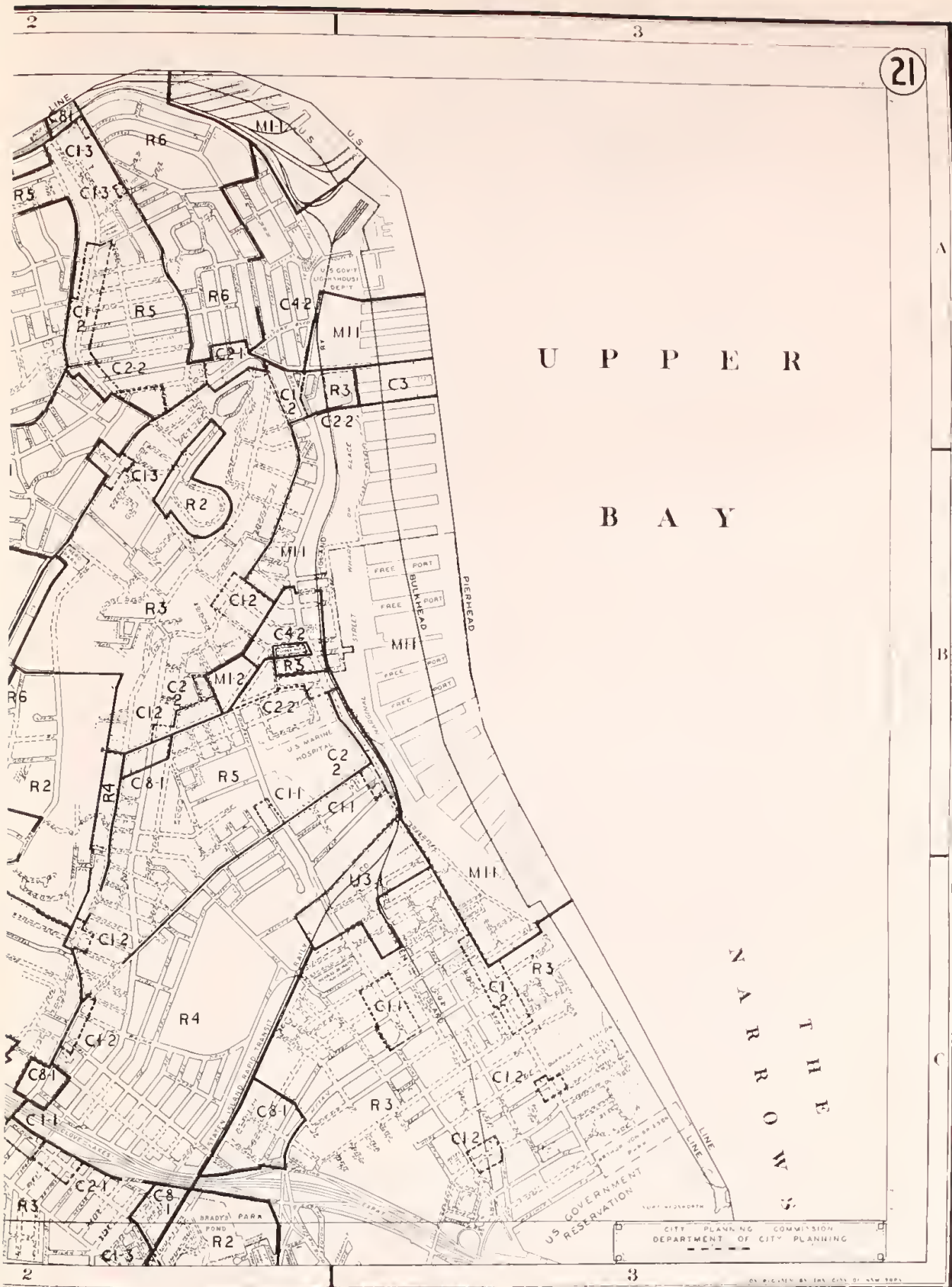
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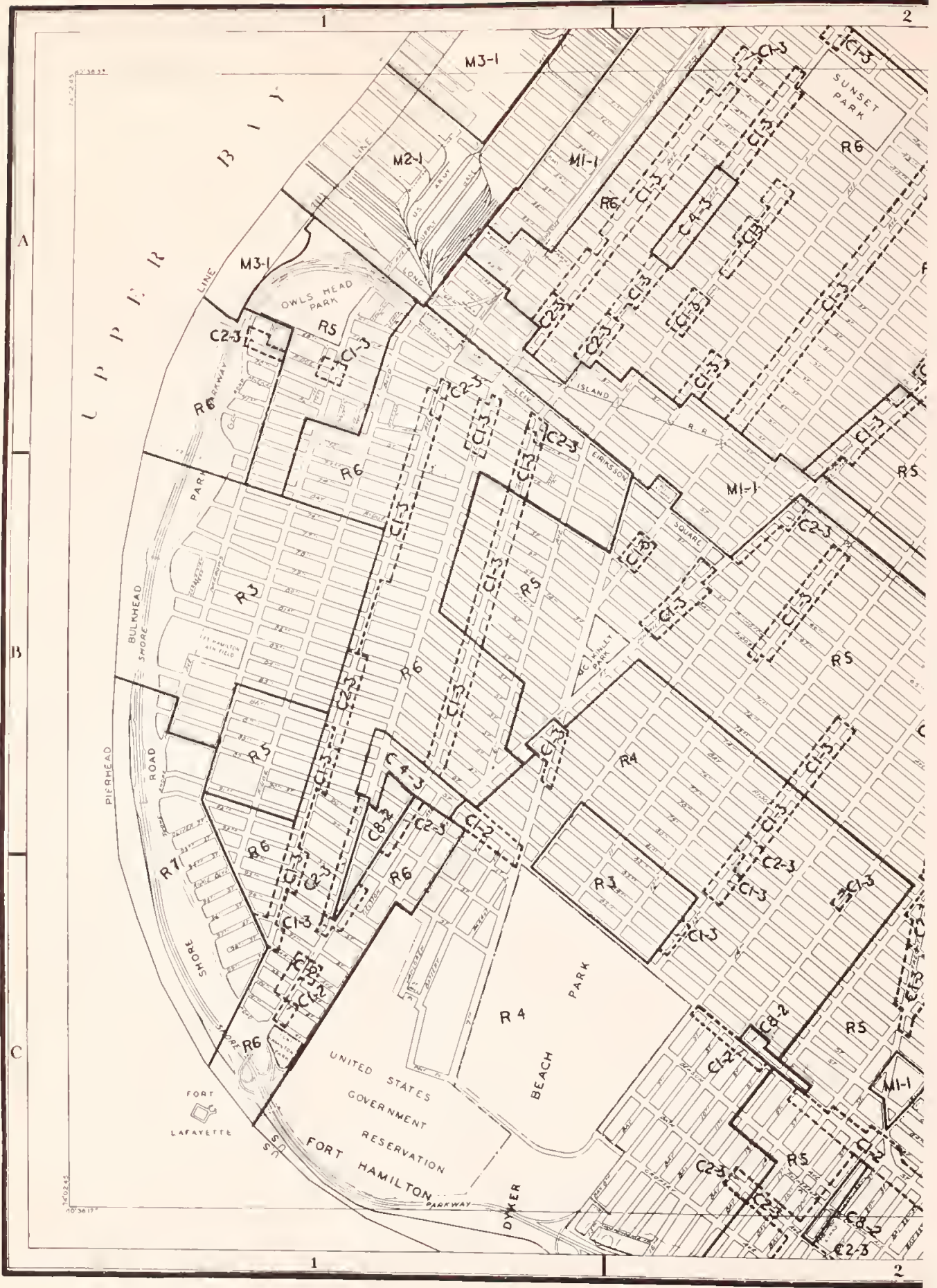
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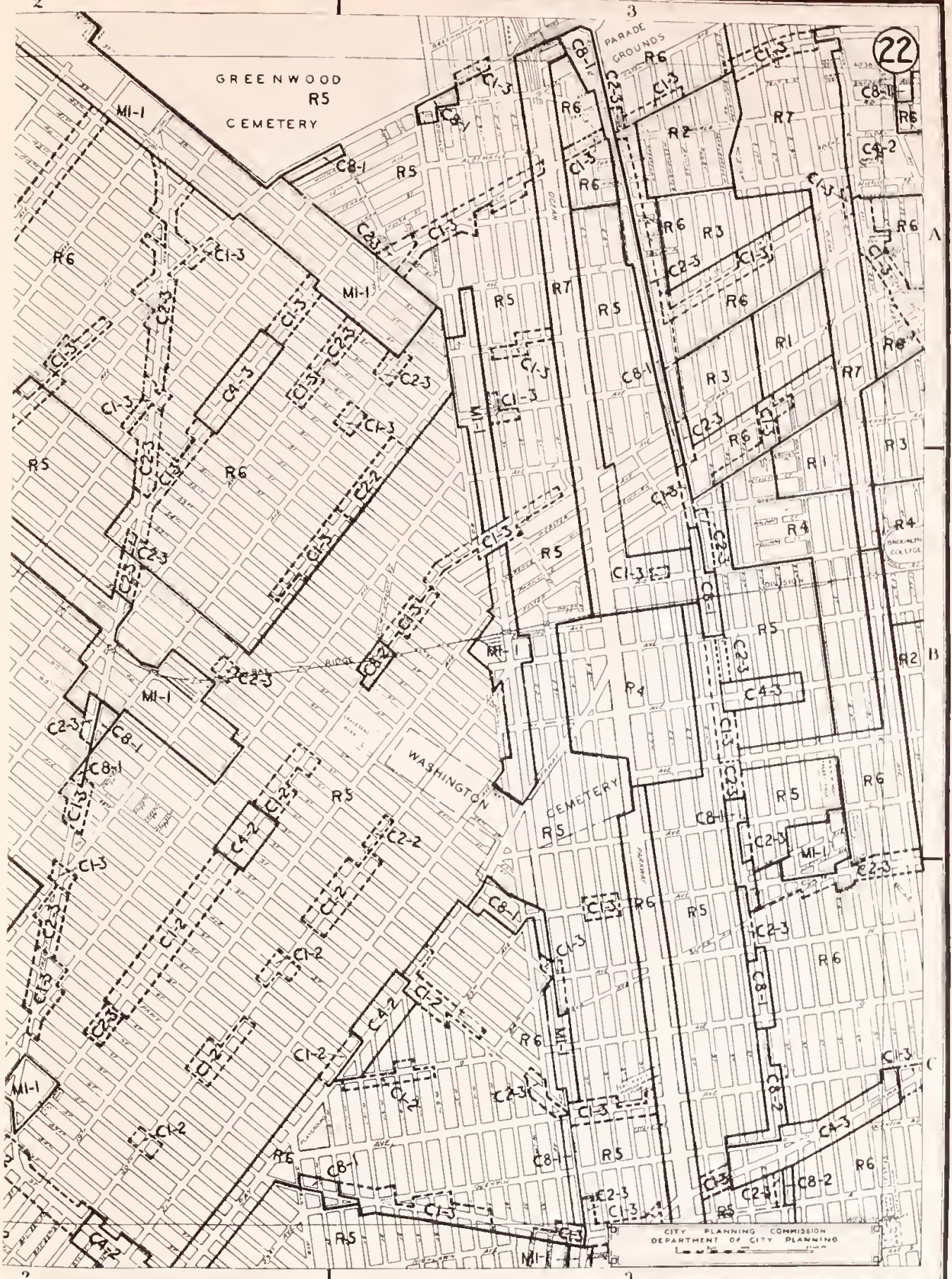
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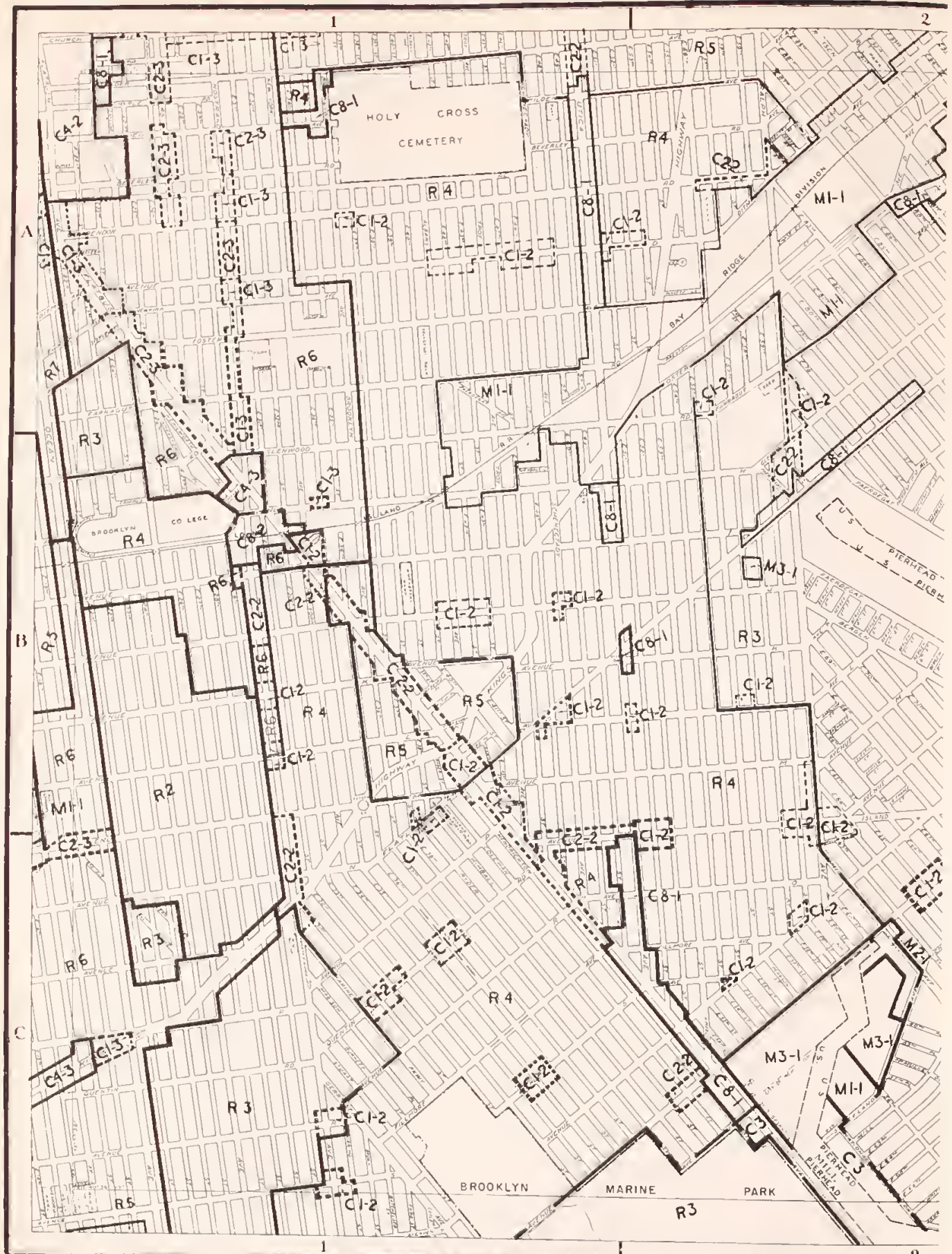
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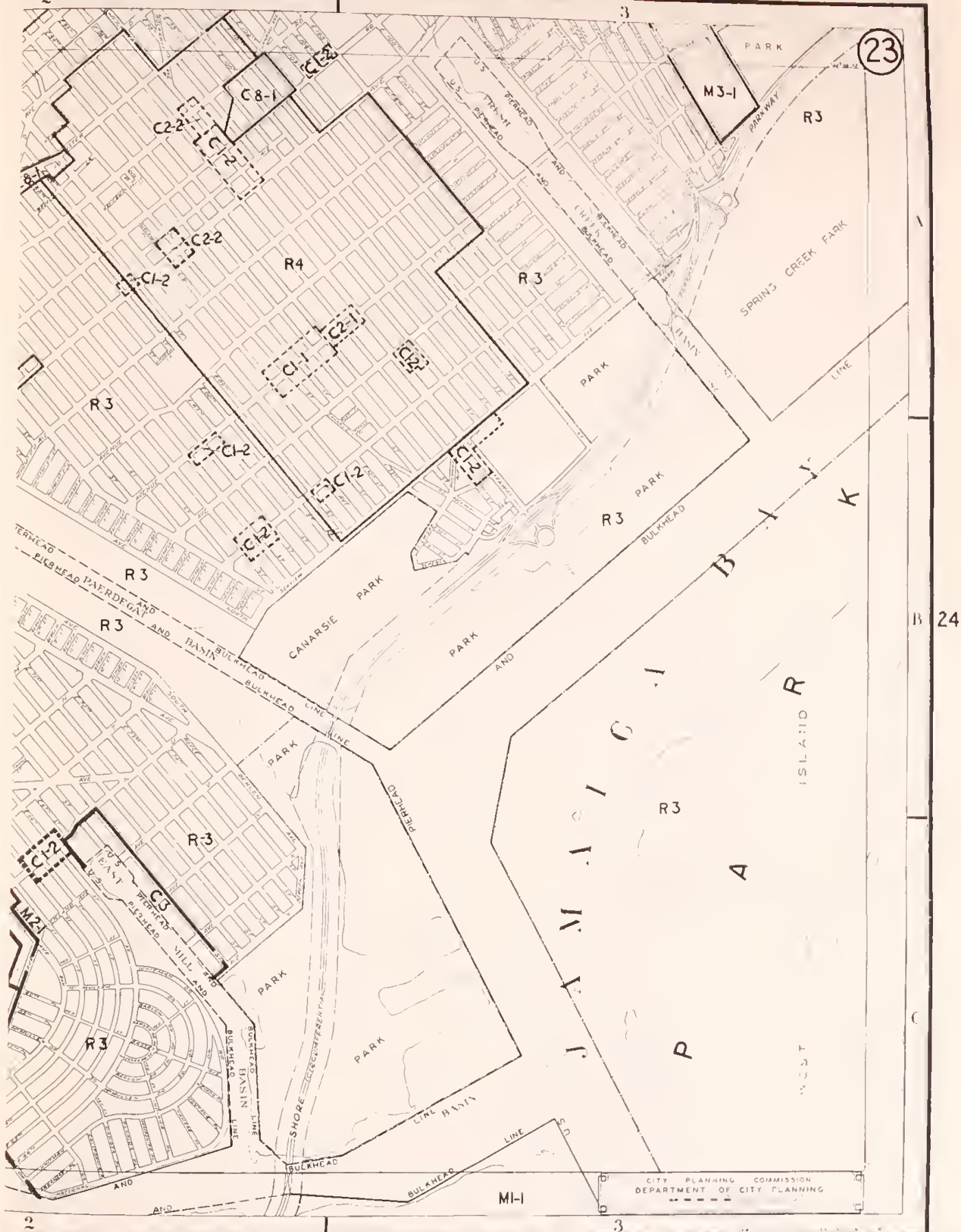
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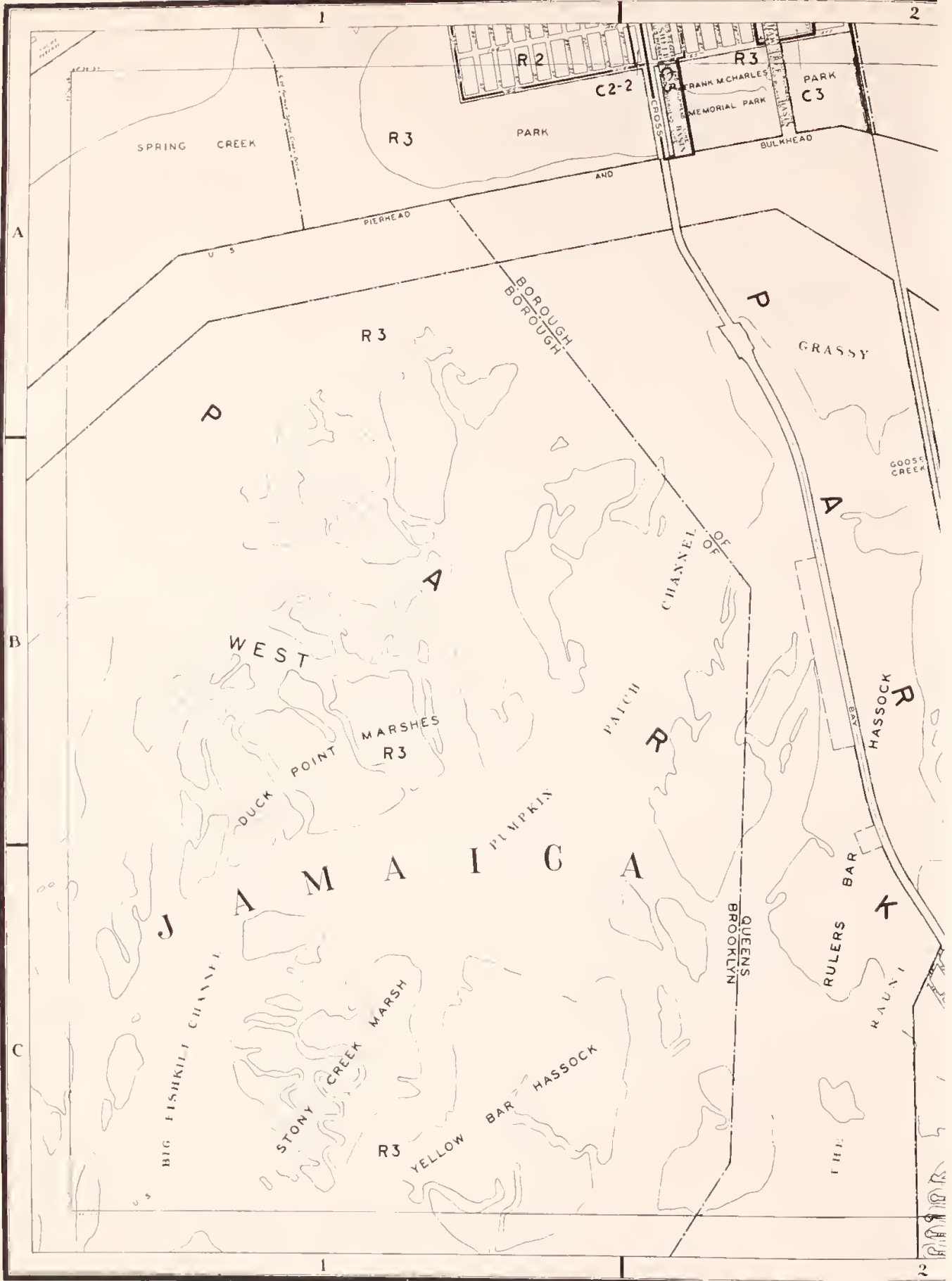


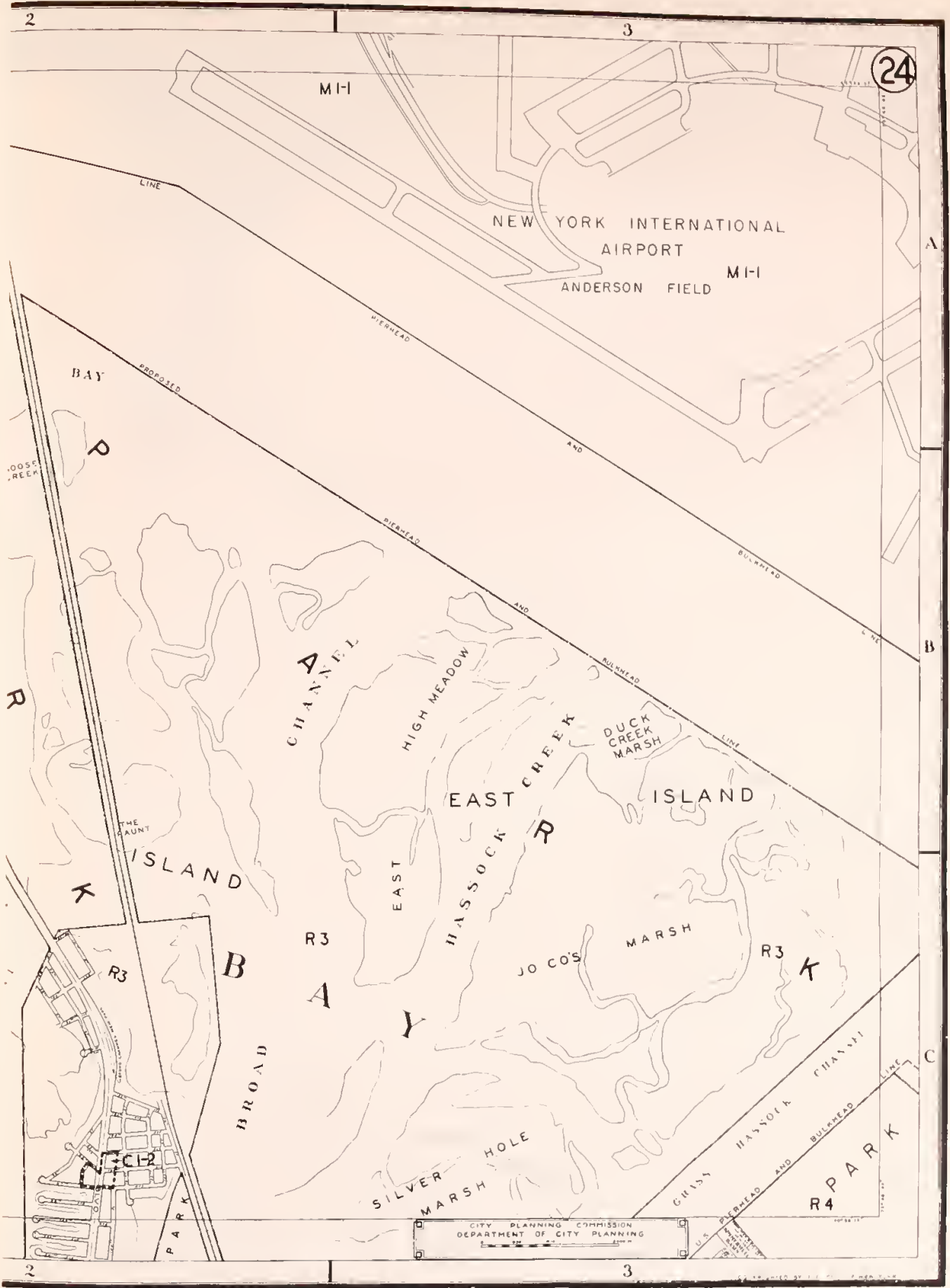
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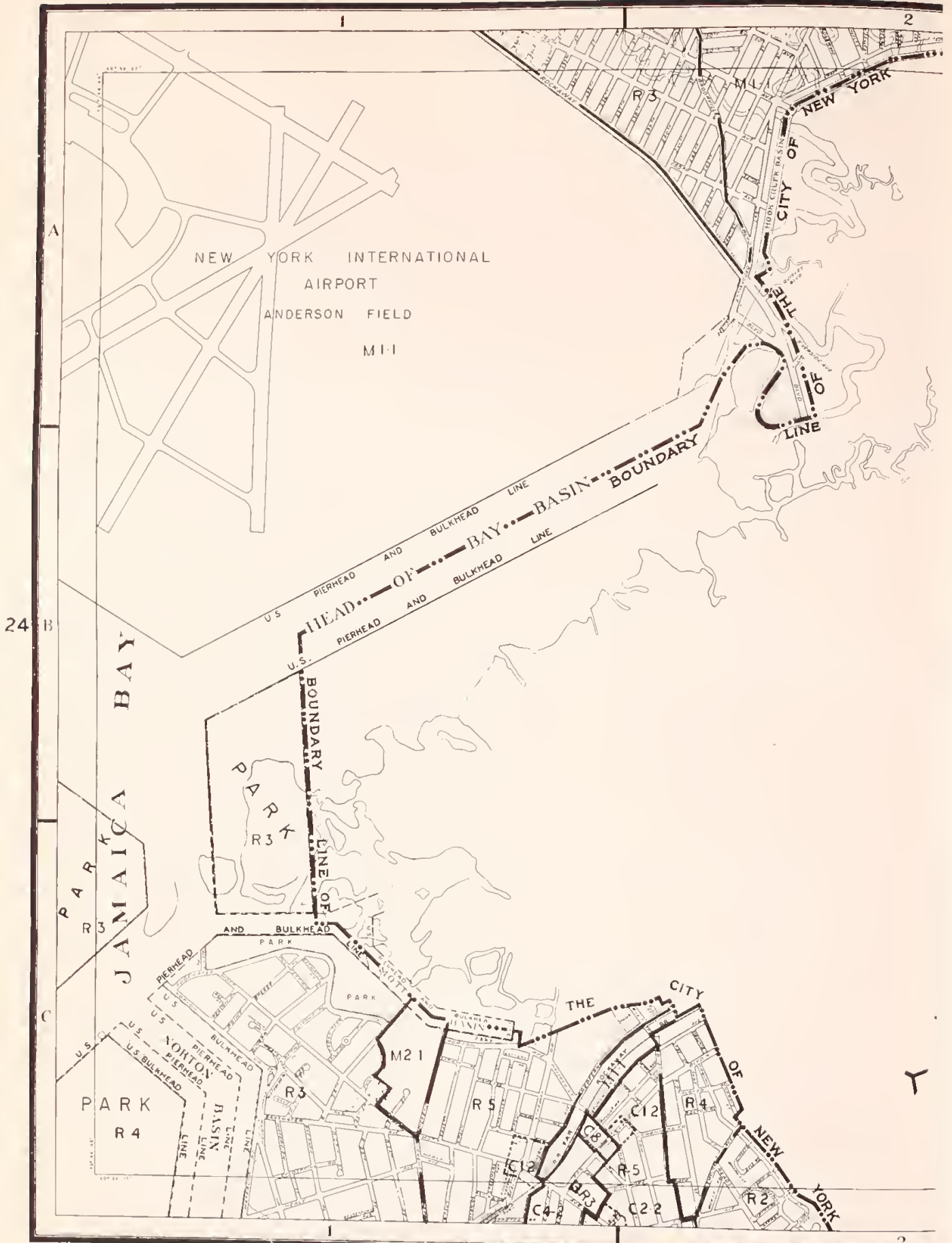




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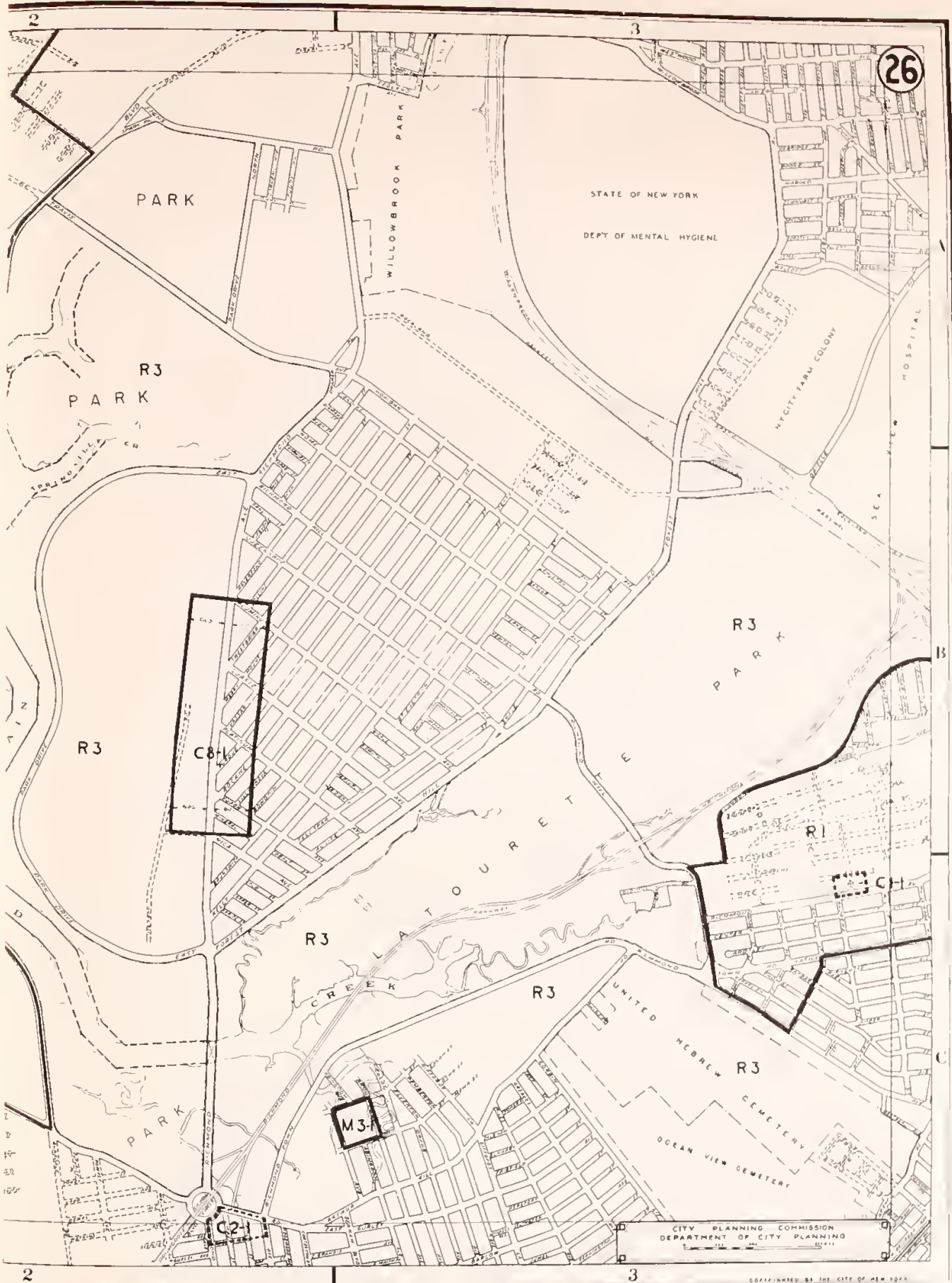
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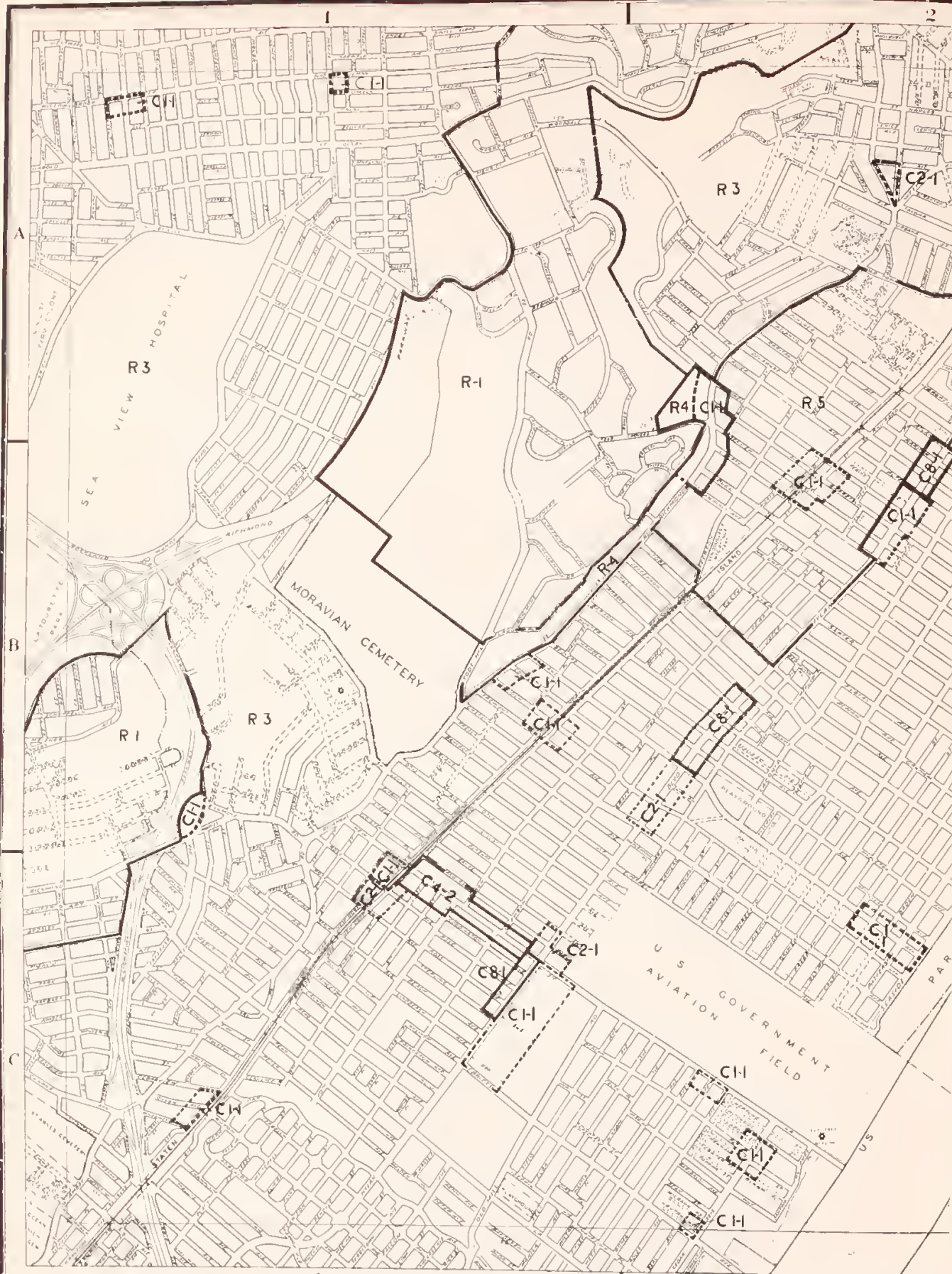
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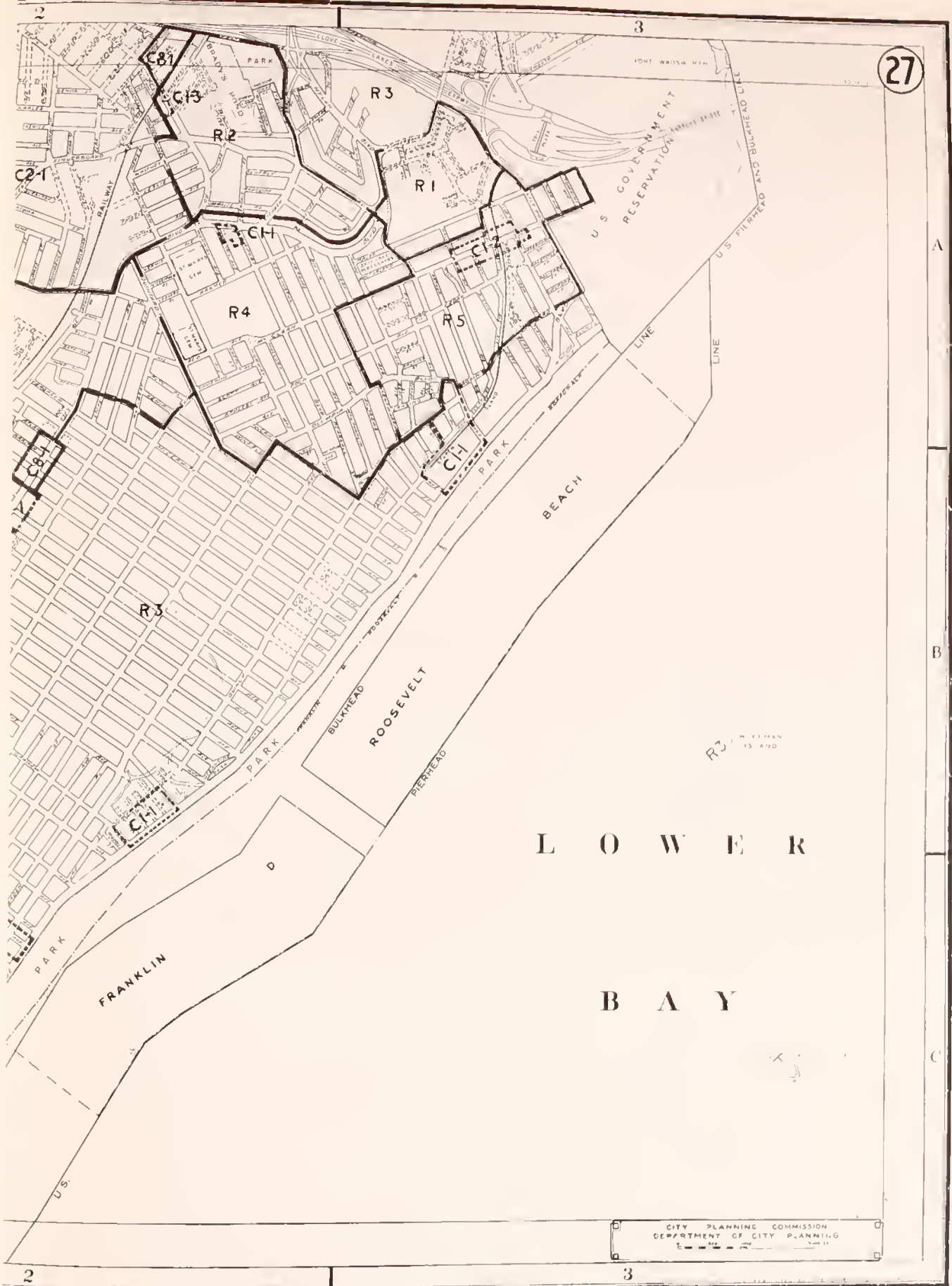
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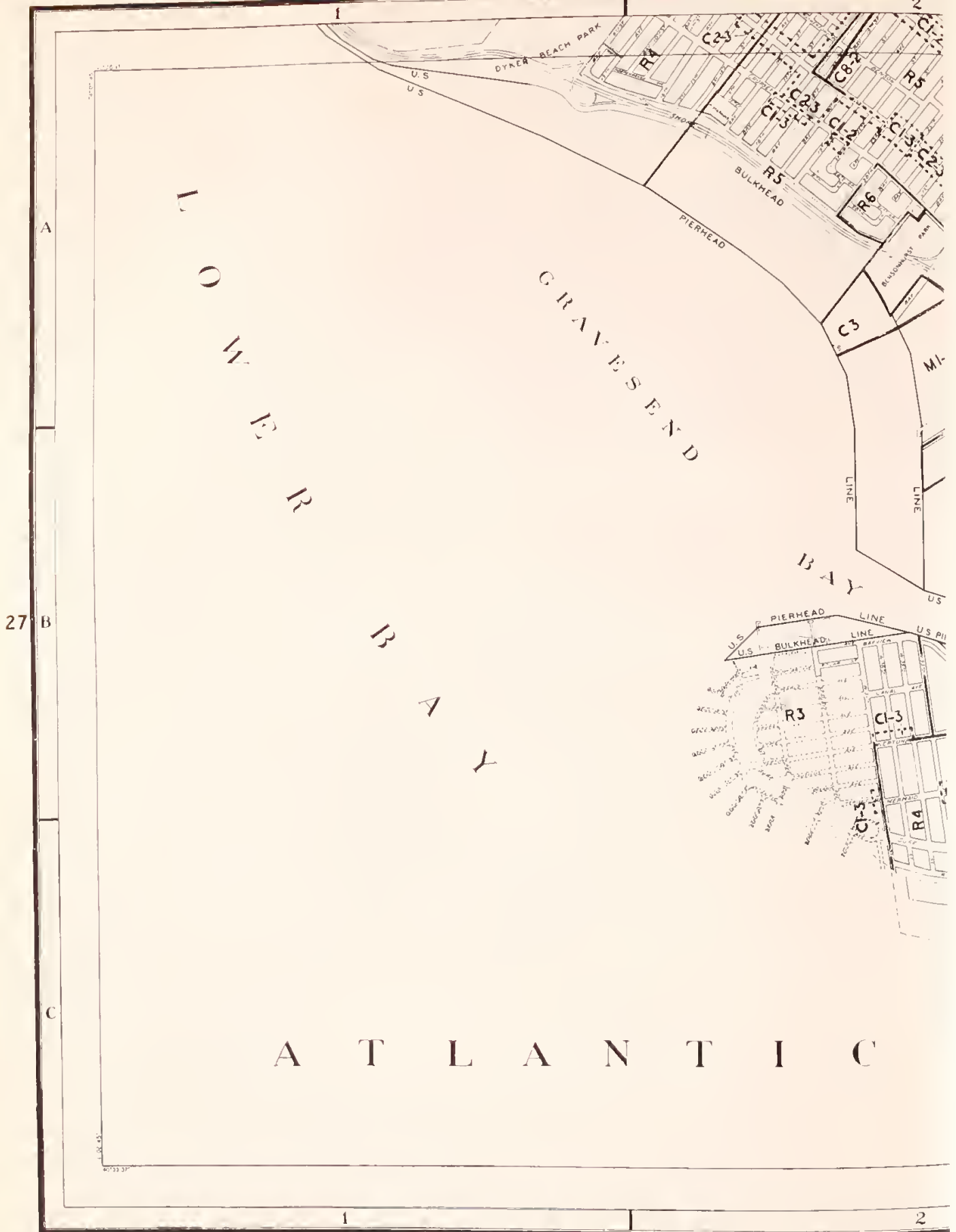
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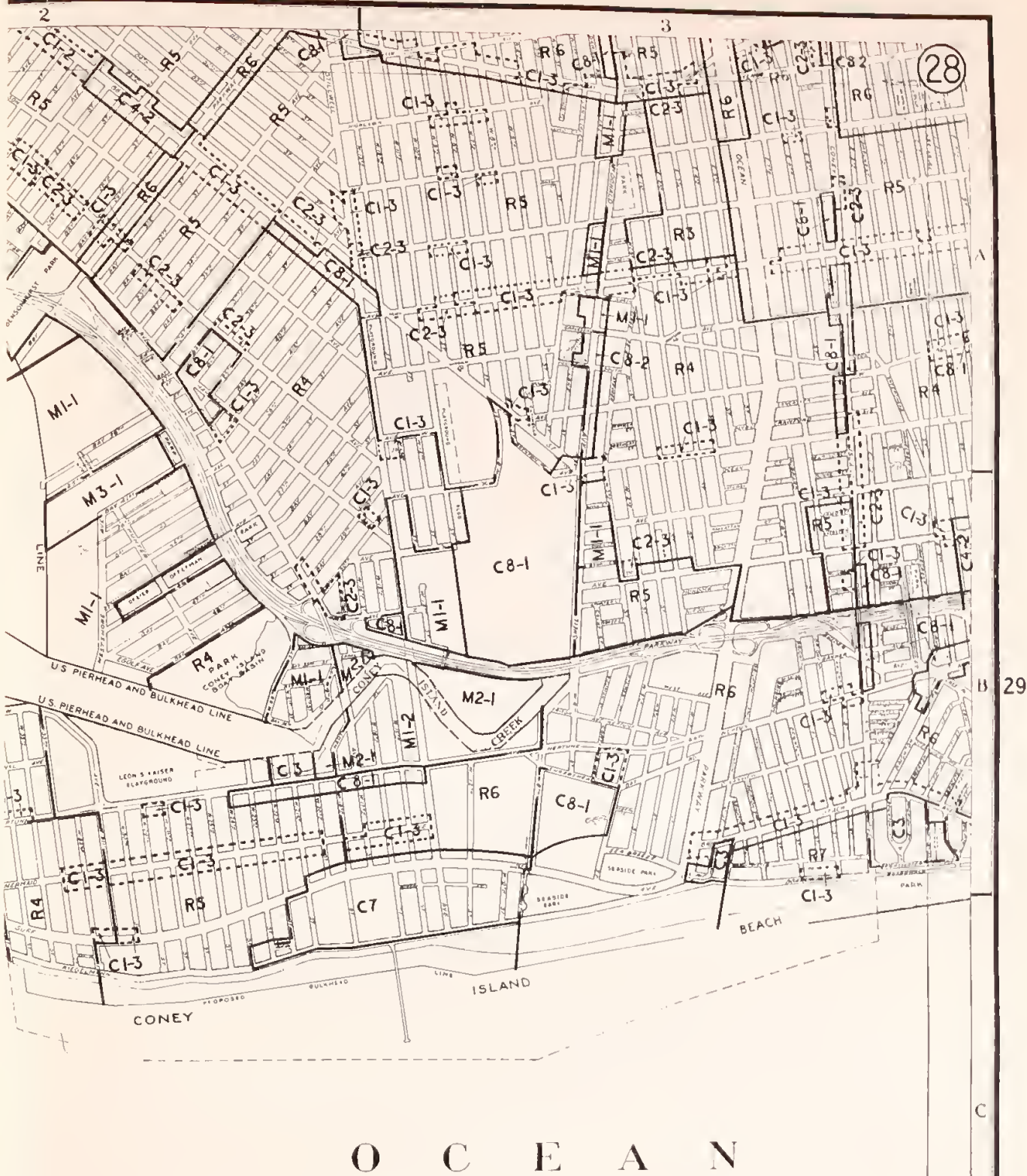












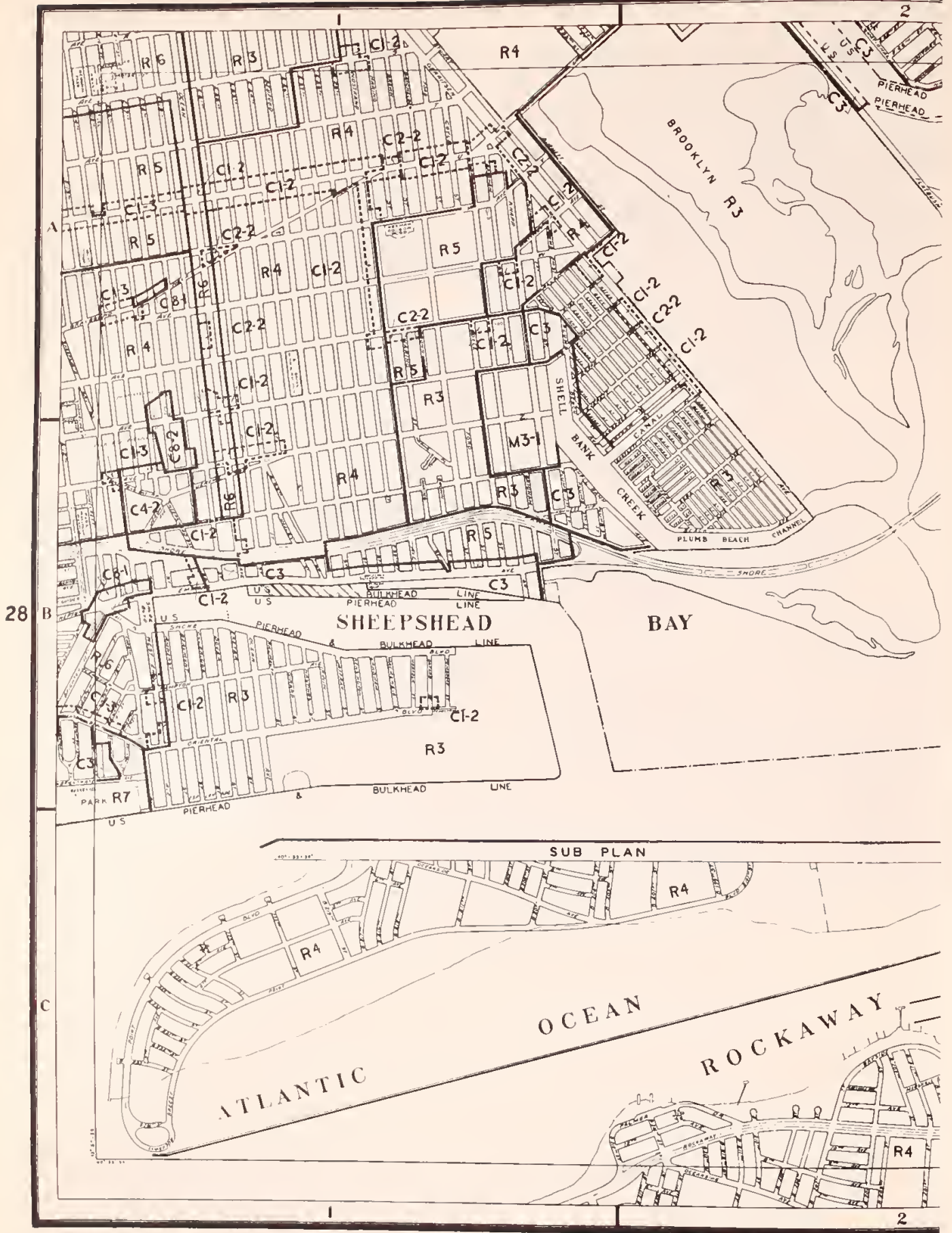
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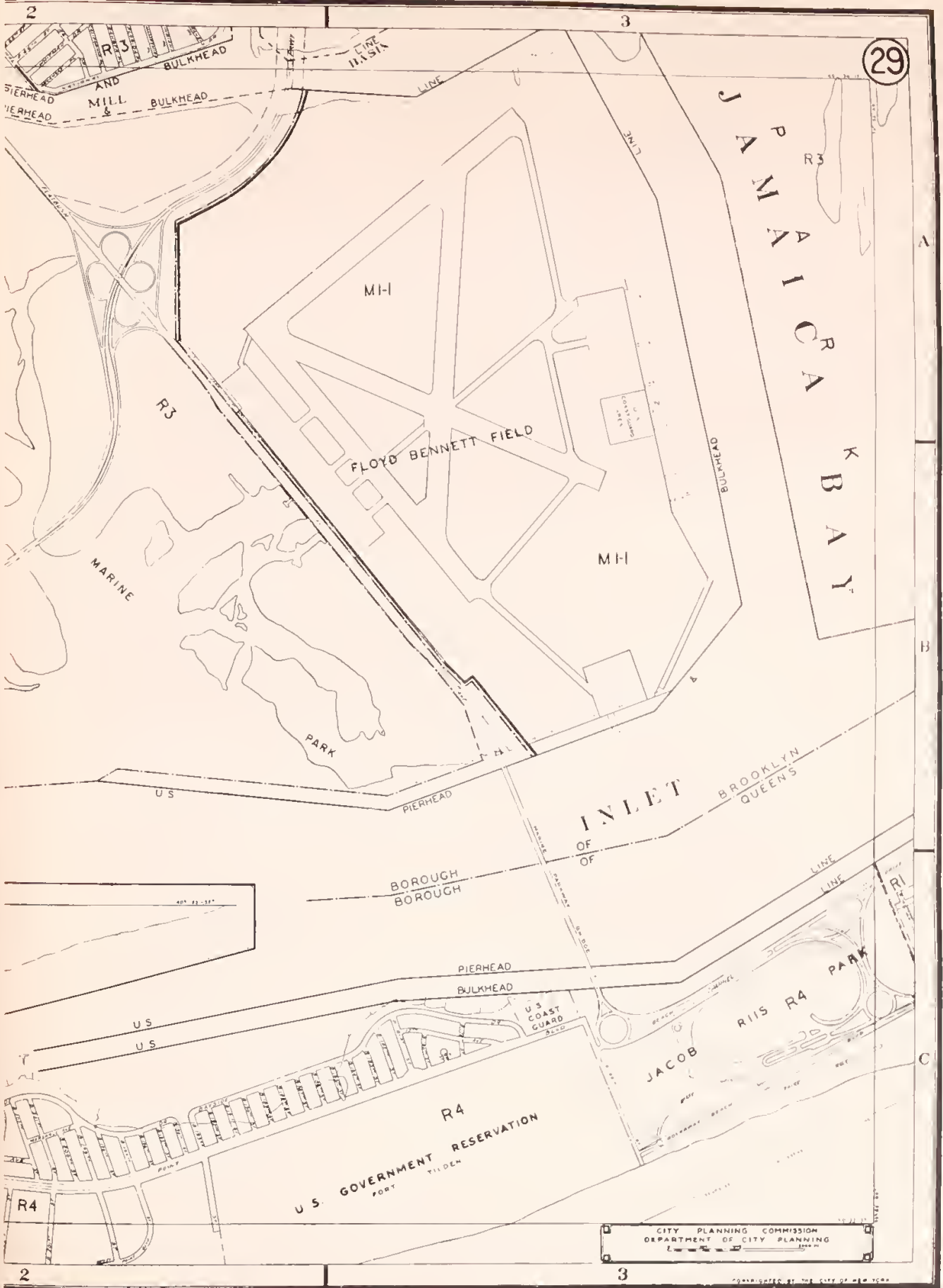
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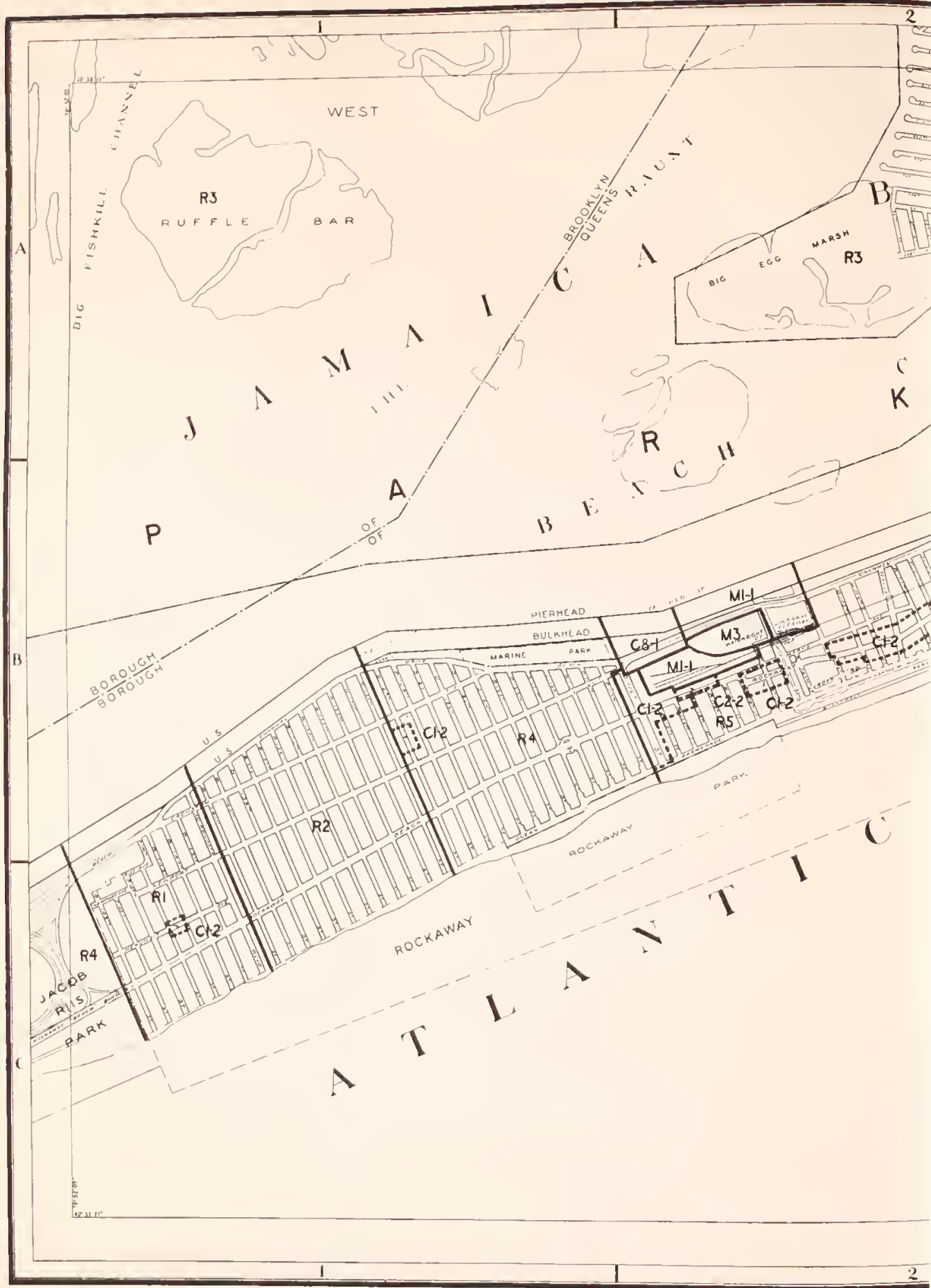




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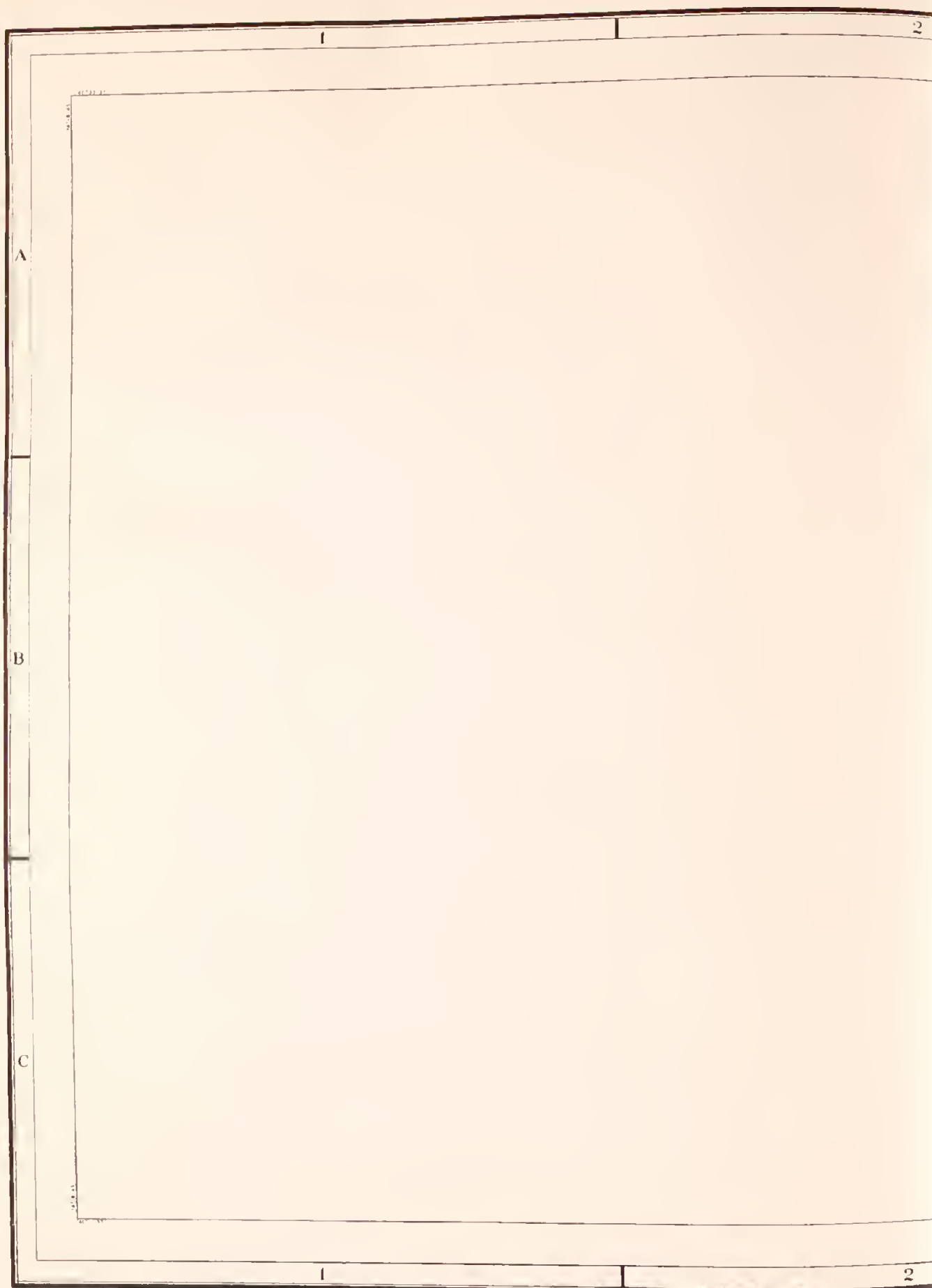
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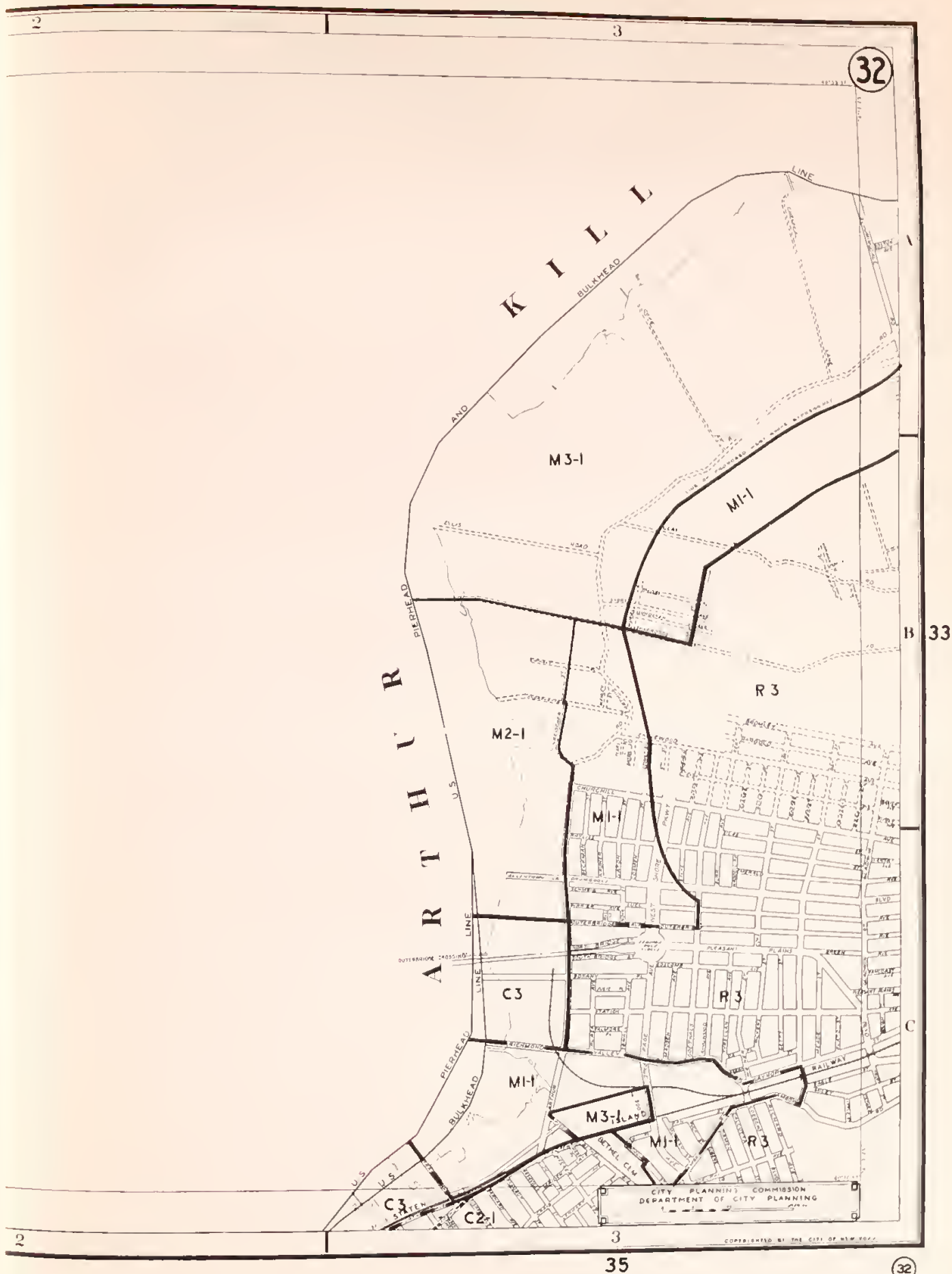
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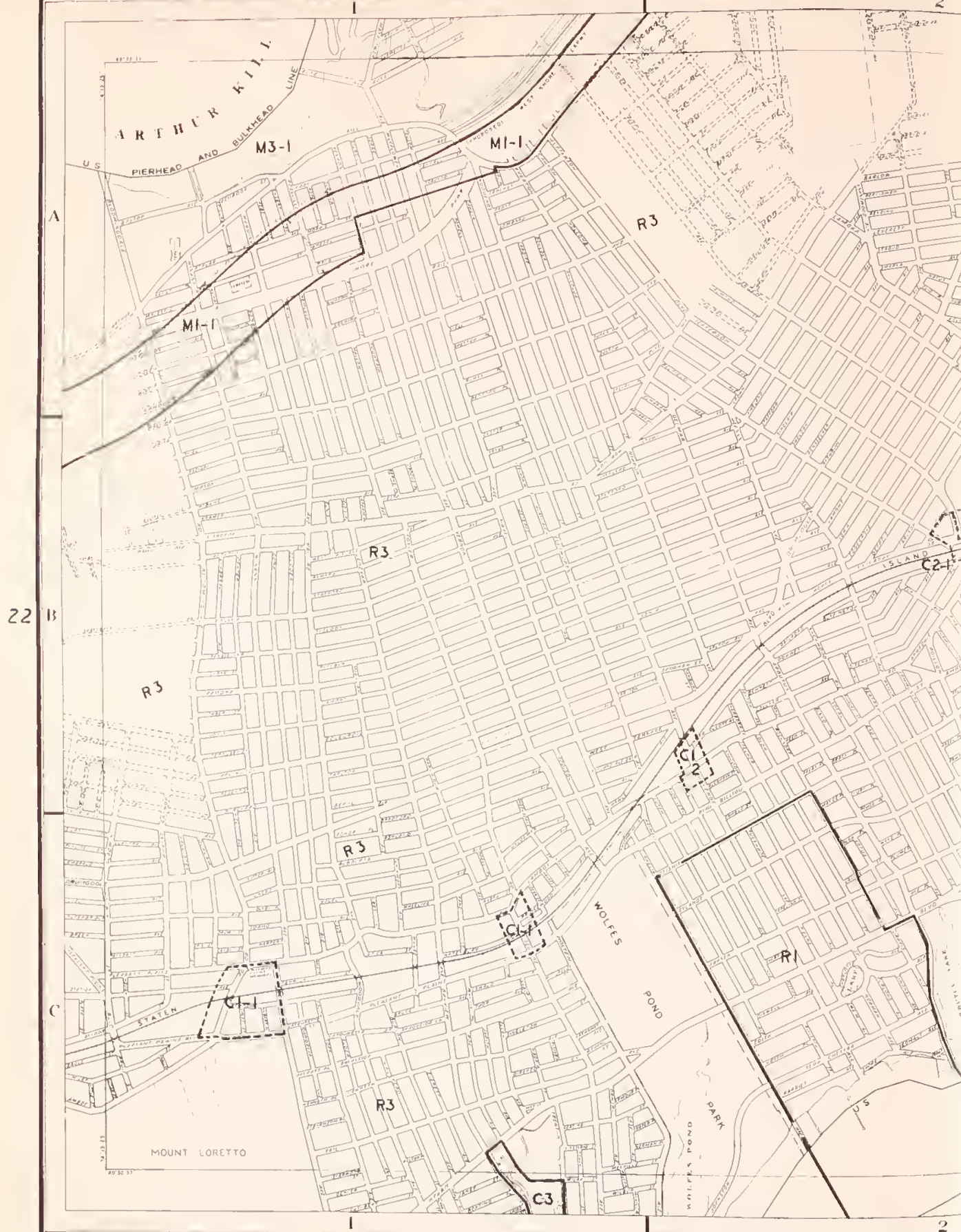
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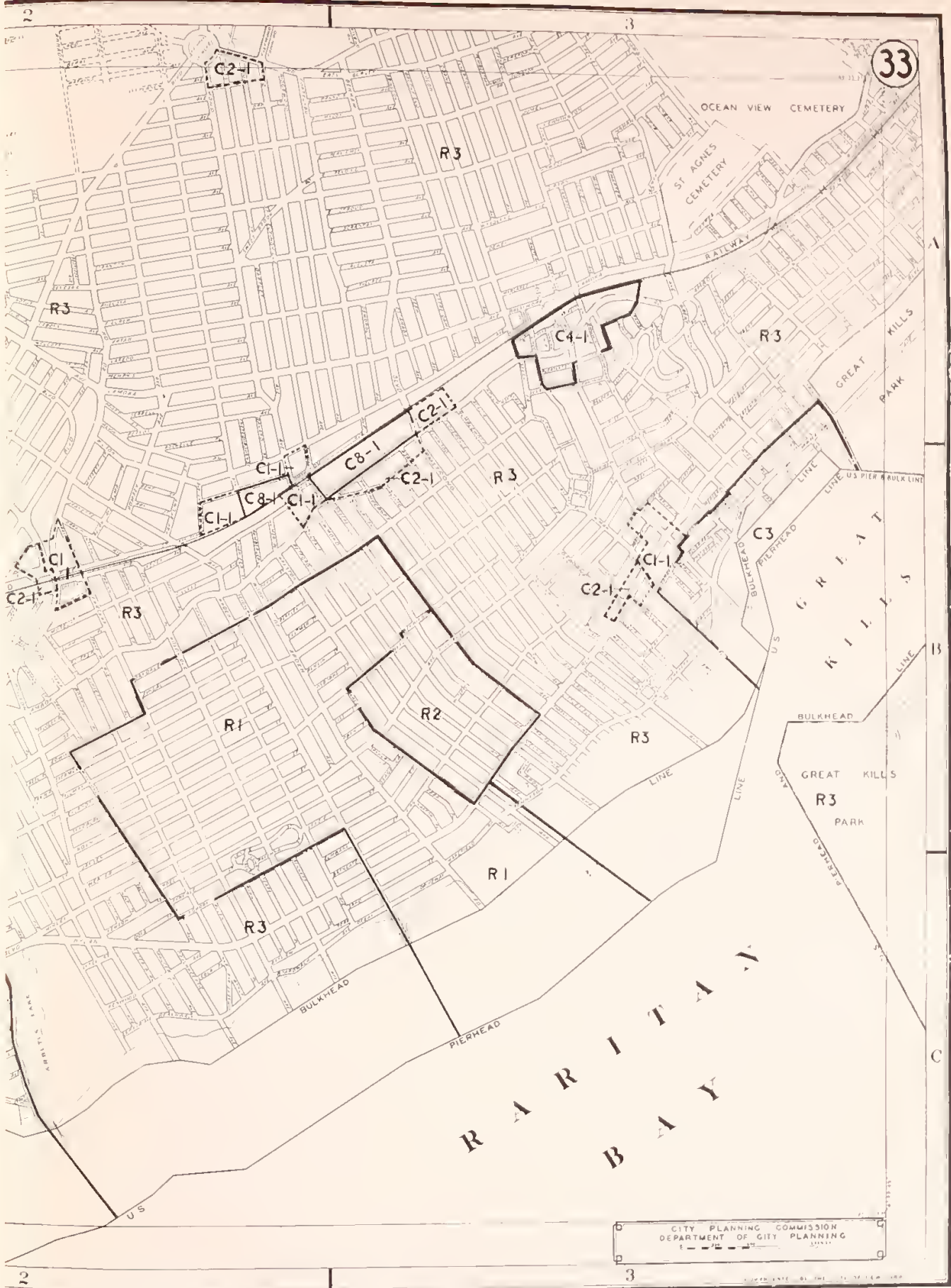
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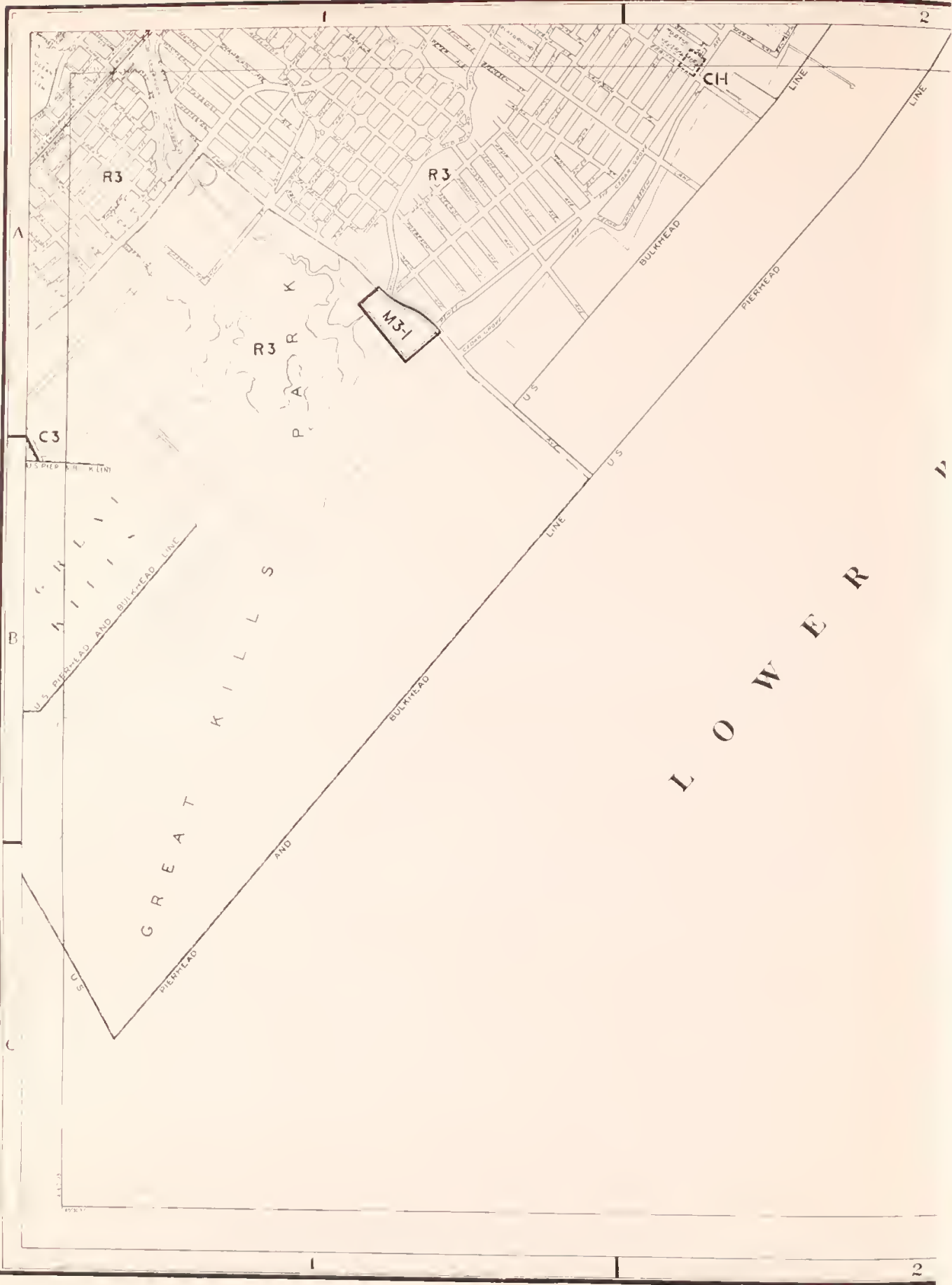




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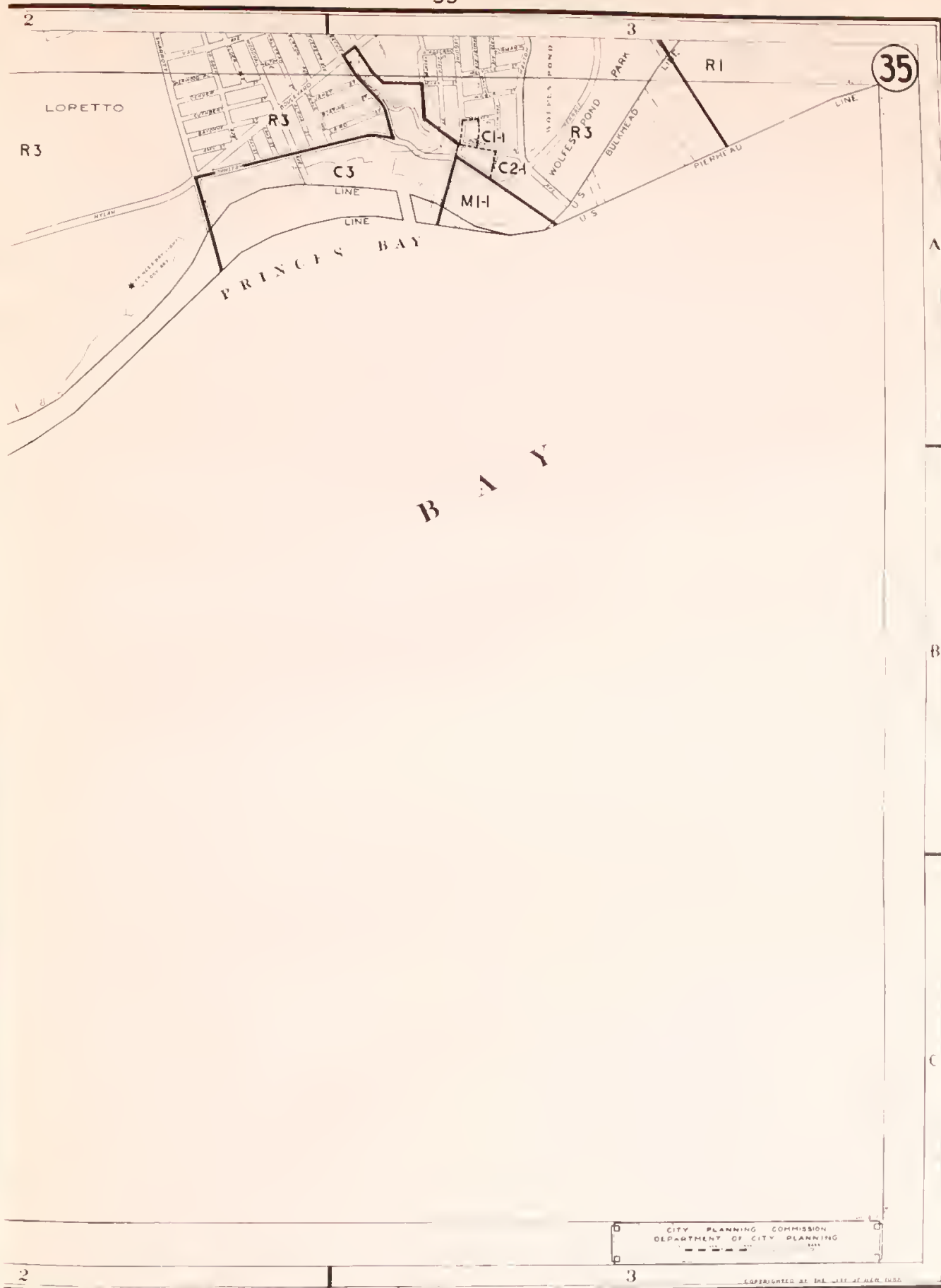


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APPENDIX

- A. Index of Uses
- B. Excerpts from the Industrial Code of the New York State Department of Labor, Relating to Performance Standards
 - 1. Maximum Allowable Concentrations -- Evidence of Dangerous Air Contaminants
 - 2. Maximum Permissible Average Concentrations of Inhaled Radioactive Materials
 - 3. Quantities of Radioactive Material



Appendix A

INDEX OF USES

The following is a listing in alphabetical order of the uses allowed in this resolution either as uses permitted as of right, or as uses permitted by special permit, together with the Use Group in which each is listed, the parking requirement category of commercial uses, if applicable, and the district or districts in which it is permitted.

When a district associated with a given use is designated in the Index with an asterisk (*), the use is permitted in such district only by special permit of the City Planning Commission or the Board of Standards and Appeals, as set forth in the applicable portions of this resolution.

Uses listed in Use Groups 11A, 16A, 16B, 16D, 16E, 16G, 17, or 18 as permitted uses in C8 or Manufacturing Districts must also meet the applicable performance standards for these districts. Uses listed in Use Group 18 are permitted in M1 or M2 districts if they can comply with the applicable performance standards for those districts.

This Index is established as a reference guide to this resolution but is not an integral part thereof. Whenever there is any difference in meaning or implication between the provisions of this resolution as set forth in Articles I through VII and the text of this Index, the text of the resolution shall prevail.

Use regulations governing the several classes of districts are set forth in the following Chapters of this resolution:

Residence Districts	Article II, Chapter 2
Commercial Districts	Article III, Chapter 2
Manufacturing Districts	Article IV, Chapter 2

INDEX

Use	Use Group	Parking Requirement Category	Districts in Which Permitted															
			R3	R1 to														
			R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3			
Advertising displays manufacture	17												M1	M2	M3			
Agricultural machinery manufacture, including repairs	18														M3			
Agriculture																		
With nuisance or sales limitations	4		R3	R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3	
Without nuisance or sales limitations	17														M1	M2	M3	
Aircraft manufacture (including parts)	17														M1	M2	M3	
Airports													*	*	*	M1	M2	M3
Amusement parks, children's (See children's amusement parks)																		
Amusement park activities	15	F											C7		M2	M3		
Animal hospitals	16	C												C8	M1	M2	M3	
Animal pounds	16	C													C8	M1	M2	M3
Antique stores	6	B					C1	C2		C4	C5	C6	C7	C8	M1	M2	M3	
Apartment hotels	2		R3	to	R9	C1	C2	C3	C4	C5	C6	C7						
Apparel (See clothing)																		
Appliances																		
Electrical appliance manufacturing	17															M1	M2	M3
Electrical or household appliance stores																		
Limited as to <u>floor area</u>	6	B					C1	C2		C4	C5	C6	C7	C8	M1	M2	M3	
Unlimited	10	B								C4	C5	C6	C7	C8	M1	M2	M3	
Household appliance repair shops	8	C					C2		C4		C6	C7	C8	M1	M2	M3		

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted												
			R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3
Arenas, auditoriums, or stadiums															
Limited as to capacity	12	E						C4		C6	C7	C8	M1	M2	M3
Unlimited		E						C4		C6	C7	C8	M1	M2	M3
Art galleries															
Commercial	6	B						C1	C2		C4	C5	C6	C7	C8
Non-commercial	3		R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3
Art goods manufacture, religious or church, excluding foundry operations	17												M1	M2	M3
Art metal craft shops	6	B						C1	C2		C4	C5	C6	C7	C8
Art needle work	11	G								C5	C6		C8	M1	M2
Artists' supply stores	6	B						C1	C2		C4	C5	C6	C7	C8
Asphalt or asphalt products manufacture	18														M3
Athletic equipment manufacture	17												M1	M2	M3
Athletic goods stores	6	B						C1	C2		C4	C5	C6	C7	C8
Auction rooms, public	9	D						C2		C4	C5	C6	C7	C8	M1
Auditoriums															
Limited as to capacity	12	E						C4		C6	C7	C8	M1	M2	M3
Unlimited		E						C4		C6	C7	C8	M1	M2	M3
Automobiles															
Dead storage	16												C8	M1	M2
Driving schools	8	C						C2		C4		C6	C7	C8	M1
Glass or mirror shops	7	C						C2				C6	C7	C8	M1
Laundries	16												C8	M1	M2
Manufacture, including parts, or engine rebuilding	17												M1	M2	M3
Repairs, body	17												M1	M2	M3
Repairs, except body repairs	16	C											C8	M1	M2
Sales, open or enclosed	16	C											C8	M1	M2
Seat cover or convertible top establishments, selling or installation	7	C						C2				C6	C7	C8	M1
Service stations (See gasoline service stations)															
Showrooms, with no repair services	9	C						C2		C4	C5	C6	C7	C8	M1
Supply stores, with no repairs services	6	B						C1	C2		C4	C5	C6	C7	C8
Tire sales establishments	7	C						C2				C6	C7	C8	M1
Wrecking establishments	18														M3
Awning manufacture															
Custom, including repair, limited as to floor area	7	C						C2				C6	C7	C8	M1
Unlimited	17												M1	M2	M3
Bakeries															
Limited as to floor area used for production	6	B						C1	C2		C4	C5	C6	C7	C8
Unlimited (See food products processing)															

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted															
			R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3				
Banks, including drive-in banks	6	B		C1	C2		C4	C5	C6	C7	C8	M1	M2	M3				
Banquet halls	9	D			C2		C4	C5	C6	C7	C8	M1	M2	M3				
Barber shops	6	B		C1	C2		C4	C5	C6	C7	C8	M1	M2	M3				
Baths, steam	9	C			C2		C4	C5	C6	C7	C8	M1	M2	M3				
Beaches, commercial	13	F				C3*					C7	C8	M1	M2	M3			
Beauty parlors	6	B		C1	C2		C4	C5	C6	C7	C8	M1	M2	M3				
Beverages																		
Bottling works	17														M1	M2	M3	
Manufacture																		
Alcoholic	18																M3	
Non-alcoholic	17														M1	M2	M3	
Bicycle																		
Manufacture	17															M1	M2	M3
Rental or repair shops	7	C			C2					C6	C7	C8	M1	M2	M3			
Sales	6	B		C1	C2		C4	C5	C6	C7	C8	M1	M2	M3				
Billiard parlors	8	D			C2		C4			C6	C7	C8	M1	M2	M3			
Blacksmith shops	16	C											C8	M1	M2	M3		
Blueprinting establishments	9	C			C2		C4	C5	C6	C7	C8	M1	M2	M3				
Boarding houses	2					R3 to R9	C1	C2	C3	C4	C5	C6	C7					
Boats																		
Building or repair, for boats less than 100 feet in length	17															M1	M2	M3
Fuel sales, open or enclosed	14	C						C3				C7	C8	M1	M2	M3		
Rentals, open or enclosed	14	G						C3				C7	C8	M1	M2	M3		
Sales, open or enclosed	16	C												C8	M1	M2	M3	
Showrooms, with no repair services	9	C			C2		C4	C5	C6	C7	C8	M1	M2	M3				
Storage, repair, or painting, including the incidental sale of boats, boat parts, or accessories, with restrictions on boat size or setbacks	14	C						C3				C7	C8	M1	M2	M3		
Bone distillation	18																M3	
Books																		
Hand binding or tooling	11	G								C5	C6		C8	M1	M2	M3		
Stores	6	B		C1	C2		C4	C5	C6	C7	C8	M1	M2	M3				
Bottling works, for all beverages	17															M1	M2	M3
Bowling alleys																		
Limited as to floor area	8	D			C2		C4			C6	C7	C8	M1	M2	M3			
Unlimited	12	D						C4		C6	C7	C8	M1	M2	M3			
Breweries	18																M3	
Brick manufacture	18																M3	

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted																
			R3																
			R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3				
Brushes or broom manufacture	17															M1	M2	M3	
Building materials																			
Sales, open or enclosed, limited as to <u>lot area</u>	16	C														C8	M1	M2	M3
Yards, open or enclosed, unlimited as to <u>lot area</u> except in the case of lumber yards	17																M1	M2	M3
Bus stations																			
With less than 10 berths																			
With 10 or more berths																			
Business machines																			
Manufacture	17																M1	M2	M3
Small, repair shops	8	C																	
Stores, sales, or rentals	10	C																	
Business schools or colleges	9	C																	
Camera manufacture	17																		
Camps, outdoor day	13																		
Candy stores	6	B																	
Canvas or canvas producta manufacture	17																		
Carnivals, temporary	13	F																	
Carpentry shops	16	C																	
Carpet																			
Cleaning establishments	16	C																	
Manufacture	17																		
Carpet, rug, linoleum, or other floor covering stores																			
Limited as to <u>floor area</u>	6	C																	
Unlimited	10	C																	
Catering establishments	9	C																	
Cement manufacture	18																		
Cemeteries	4																		
Ceramic products																			
Manufacture, custom	11	G																	
Manufacture	17																		
Charcoal manufacture	18																		
Chemicals																			
Compounding or packaging	17																		
Manufacture	18																		

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted														
			R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3		
Children's amusement parks																	
Limited as to total area and distance from Residence District boundary	13	F										C7	C8	M1	M2	M3	
Limited as to total area		F										C7	C8	M1	M2	M3	
Unlimited	15	F										C7		M2	M3		
Chiropodist offices	6	B			C1	C2		C4	C5	C6	C7	C8	M1	M2	M3		
Churches	4		R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1				
Cigar stores	6	B			C1	C2		C4	C5	C6	C7	C8	M1	M2	M3		
Circuses, temporary	13	F										C7	C8	M1	M2	M3	
Clay manufacture	18															M3	
Clay pits			* R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3		
Clocks																	
Manufacture	17														M1	M2	M3
Stores or repair shops	6	C			C1	C2		C4	C5	C6	C7	C8	M1	M2	M3		
Clothing																	
Accessory stores (See clothing stores)																	
Custom manufacture or altering for retail	11	G							C5	C6		C8	M1	M2	M3		
Manufacture	17														M1	M2	M3
Rental establishments	8	C				C2		C4		C6	C7	C8	M1	M2	M3		
Stores																	
Limited as to floor area	6	B			C1	C2		C4	C5	C6	C7	C8	M1	M2	M3		
Unlimited	10	B							C4	C5	C6	C7	C8	M1	M2	M3	
Clubs																	
Non-business	4		R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1				
Night (See eating or drinking places)																	
Coal																	
Products manufacture	18															M3	
Sales, open or enclosed																	
Limited as to lot area	16	C												C8	M1	M2	M3
Unlimited (See coal storage)																	
Storage, open or enclosed	18															M3	
Coin stores	6	B			C1	C2		C4	C5	C6	C7	C8	M1	M2	M3		
Coke products manufacture	18															M3	
Colleges or universities, except business colleges, and including dormitories	3		R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7						
With no residential accommodations			R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1				
Commercial parking garages or lots (See parking garages or parking lots)																	

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted																
			R1 to R2	R3	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3				
Community centers	4		R1 to R2	R3	C1	C2	C3	C4	C5	C6	C7	C8	M1						
Construction machinery manufacture, including repairs	18														M3				
Contractors' establishments — electrical, glazing, heating, painting, paper hanging, plumbing, roofing, or ventilating																			
Limited as to floor area	7	C				C2				C6	C7	C8	M1	M2	M3				
Limited as to open storage	16	C											C8	M1	M2	M3			
Unlimited (See contractors' yards)																			
Contractors' yards	17														M1	M2	M3		
Convalescent homes	3		R1 to R2	R3	C1	C2	C3	C4	C5	C6	C7								
Convents	3		R1 to R2	R3	C1	C2	C3	C4	C5	C6	C7								
Cosmetics or toiletries manufacture	17														M1	M2	M3		
Costume rental establishments	8	C				C2		C4		C6	C7	C8	M1	M2	M3				
Cotton ginning or cotton wadding or linter manufacture	17														M1	M2	M3		
Court houses	6	C				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3			
Crating establishments	16	C												C8	M1	M2	M3		
Crematoriums, human	16	C												C8	M1	M2	M3		
Dance halls, public	12	D							C4		C6	C7	C8	M1	M2	M3			
Day camps, outdoor	13		R1 to R2	R3	C1	C2	C3							C7	C8	M1	M2	M3	
Delicatessen stores	6	A				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3			
Dental																			
Instruments manufacture	11	G								C5	C6		C8	M1	M2	M3			
Laboratories (See laboratories, medical or dental)																			
Offices	4		R1 to R2	R3	C1	C2	C3	C4	C5	C6	C7	C8	M1						
Department stores	10	B							C4	C5	C6	C7	C8	M1	M2	M3			
Diaper supply establishments	16	C												C8	M1	M2	M3		
Disinfectants manufacture	18																M3		
Drafting instruments manufacture	11	G								C5	C6		C8	M1	M2	M3			
Dressmaking shops, custom, including repairs	6	B				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3			
Drinking places (See eating places)																			
Drive-in theaters															C7	C8	M1	M2	M3
Drug stores	6	B				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3			
Dry cleaning or clothes pressing establishments, limited as to floor area, solvents, and machine capacity	6	B				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3			
Dry cleaning or dyeing establishments, unlimited	16	C													C8	M1	M2	M3	

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted																
			R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3				
Dry goods stores																			
Limited as to <u>floor area</u>	6	B				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3			
Unlimited	10	B							C4	C5	C6	C7	C8	M1	M2	M3			
Dumps	18															M3			
Eating or drinking places																			
With entertainment by not more than one person	6 & 14	B				C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3			
Unlimited as to entertainment	10	D							C4	C5	C6	C7	C8	M1	M2	M3			
Electric																			
Power and steam generating plants	18															M3			
Substations, serving a distribution area	6	C				* * R3 R1 to R2	R9	C1	C2		C4	C5	C6	C7	C8	M1	M2	M3	
Electrical																			
Appliance																			
Manufacture	17														M1	M2	M3		
Stores (See appliances, electrical or household appliance stores)																			
Contractors (See contractors' establishments)																			
Equipment assembly, not including electrical machinery	17														M1	M2	M3		
Supplies manufacturing	17														M1	M2	M3		
Engraving or photo-engraving	17														M1	M2	M3		
Excelsior manufacture	18																M3		
Exterminators	7	C						C2			C6	C7	C8	M1	M2	M3			
Fabric stores (See dry goods stores)																			
Fairs, temporary	13	F											C7	C8	M1	M2	M3		
Feathers																			
Bulk processing, washing, curing, or dyeing	18																M3		
Products manufacture, except washing, curing, or dyeing	17														M1	M2	M3		
Felt																			
Bulk processing, washing, curing, or dyeing	18																M3		
Products manufacture, except washing, curing, or dyeing	17														M1	M2	M3		
Fertilizer manufacture	18																M3		
Filling stations (See gasoline service stations)																			
Film, photographic, manufacture	18																M3		
Fire stations	6	C				* * R3 R1 to R2	R9	C1	C2		C4	C5	C6	C7	C8	M1	M2	M3	
Fish products, packing or processing	18																M3		
Fishing tackle or equipment, rental or sales	14	C							C3				C7	C8	M1	M2	M3		
Florist shops	6	B							C1	C2		C4	C5	C6	C7	C8	M1	M2	M3

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted												
			R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3
Food															
Products processing, except meat slaughtering or preparation of fish for packing	17												M1	M2	M3
Stores, including supermarkets, grocery stores, meat markets, or delicatessen stores	6	A			C1	C2		C4	C5	C6	C7	C8	M1	M2	M3
Foundries, ferrous or non-ferrous	18														M3
Fraternity houses	3		R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7				
Frozen food lockers	6	B			C1	C2		C4	C5	C6	C7	C8	M1	M2	M3
Fuel briquettes manufacture	18														M3
Fuel sales, open or enclosed															
Limited as to lot area	16	C											C8	M1	M2
Unlimited (See coal storage, petroleum storage, or lumber yards)															
Funeral parlors	7	G			C2					C6	C7	C8	M1	M2	M3
Fungicides manufacture	18														M3
Fur															
Goods manufacture, not including tanning or dyeing	17													M1	M2
Tanning, curing, finishing, or dyeing	18														M3
Furniture															
Custom shops	16	C												C8	M1
Manufacture	17													M1	M2
Stores															
Limited as to floor area	6	C			C1	C2		C4	C5	C6	C7	C8	M1	M2	M3
Unlimited	10	C							C4	C5	C6	C7	C8	M1	M2
Furrier shops, custom, including repairs	6	B			C1	C2		C4	C5	C6	C7	C8	M1	M2	M3
Garages (See parking garages, commercial)															
Garbage incineration or reduction	18														M3
Garden supply stores	6	B			C1	C2		C4	C5	C6	C7	C8	M1	M2	M3
Gardens, truck (See agriculture)															
Gas															
Manufacture	18														M3
Storage	18														M3
Substations, serving a distribution area	6	C	R3 R1 to R2	R9	C1	C2		C4	C5	C6	C7	C8	M1	M2	M3
Gasoline service stations															
Limited as to total area	16					C2*				C6*	C7*	C8	M1	M2	M3
Unlimited	16												C8	M1	M2
Gelatin manufacture	18														M3
Generating plants, electric and steam	18														M3
Gift shops	6	B			C1	C2		C4	C5	C6	C7	C8	M1	M2	M3

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted												
			R3	R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1 M2 M3
<u>Glass</u>															
<u>Cutting shops</u>	16	C												C8 M1 M2 M3	
<u>Manufacture</u>	18														M3
<u>Products manufacture from previously manufactured glass</u>	17														M1 M2 M3
<u>Glazing contractors (See contractors' establishments)</u>															
<u>Glue manufacture</u>	18														M3
<u>Golf</u>															
<u>Courses</u>	4		R3	R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1
<u>Courses, miniature</u>	13	F												C7 C8 M1 M2 M3	
<u>Driving ranges</u>	13	F												C7 C8 M1 M2 M3	
<u>Grain</u>															
<u>Milling or processing</u>	18														M3
<u>Storage</u>	18														M3
<u>Graphite or graphite products manufacture</u>	18														M3
<u>Gravel pits</u>			*	R3	R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7	C8 M1 M2 M3
<u>Greenhouses (See agriculture)</u>															
<u>Grocery stores</u>	6	A						C1	C2		C4	C5	C6	C7 C8 M1 M2 M3	
<u>Gymnasiums</u>	9	C						C2		C4	C5	C6	C7 C8 M1 M2 M3		
<u>Gypsum manufacture</u>	18														M3
<u>Hair</u>															
<u>Bulk processing, washing, curing, or dyeing</u>	18														M3
<u>Products manufacture (except washing, curing, or dyeing)</u>	17														M1 M2 M3
<u>Products manufacture, custom</u>	11	G									C5	C6		C8 M1 M2 M3	
<u>Hardware</u>															
<u>Manufacture</u>	17														M1 M2 M3
<u>Stores</u>	6	B						C1	C2		C4	C5	C6	C7 C8 M1 M2 M3	
<u>Hat</u>															
<u>Bodies manufacture</u>	17														M1 M2 M3
<u>Repair shops</u>	6	B						C1	C2		C4	C5	C6	C7 C8 M1 M2 M3	
<u>Health centers</u>	4		R3	R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1
<u>Health services (See physical culture establishments)</u>															
<u>Heating contractors (See contractors' establishments)</u>															
<u>Heating equipment showrooms, without repair facilities</u>	9	C						C2		C4	C5	C6	C7 C8 M1 M2 M3		
<u>Heliports</u>														C6	C8 M1 M2 M3
<u>Hemp products manufacture</u>	17														M1 M2 M3
<u>Home occupations</u>			R3	R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7		

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted												
			R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3	
Hosiery manufacture	17												M1	M2	M3
Hospitals, except animal hospitals	4		R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7	C8	M1			
Hotels															
Transient	5	G													
Apartment	2		R3 to R9	C1	C2	C3	C4	C5	C6	C7					
Household															
Appliance repair shops	8	C													
Appliance stores (See appliances, electrical or household appliance stores)															
Equipment or machinery repair shops	16	C													
Ice cream stores	6	B													
Ice															
Manufacture, dry or natural	17														
Sales, open or enclosed															
Limited as to lot area	16	C													
Unlimited (See refrigerating plants)															
Ice skating rinks, outdoor	4		R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7	C8	M1			
Incineration or reduction of garbage, offal, or dead animals	18														
Ink or inked ribbon manufacture	17														
Insecticides manufacture	18														
Institutions — fraternal, philanthropic, or for children or the aged	3		R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7					
Interior decorating establishments															
Limited as to floor area for processing, servicing, or repairs	6	B													
Unlimited (See furniture, textiles, or upholstery)															
Jewelry															
Manufacture															
Costume	17														
From precious metals	11	G													
Shops	6	B													
Junk yards	18														
Jute products manufacture	17														
Kennels	16	C													

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted												
			R3	R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1 M2 M3
Laboratories															
Medical or dental, for research or testing, with limitations on objectionable effects	9	C						C2		C4	C5	C6	C7	C8	M1 M2 M3
Research, experimental, or testing	17														M1 M2 M3
Lampblack manufacture	18														M3
Laundries, with no limitation on type of operation	16													C8	M1 M2 M3
Laundry establishments, hand or automatic self-service	6	B						C1 C2		C4	C5	C6	C7	C8	M1 M2 M3
Leather															
Tanning, curing, finishing, or dyeing	18														M3
Goods stores	6	B						C1 C2		C4	C5	C6	C7	C8	M1 M2 M3
Products manufacture	17														M1 M2 M3
Libraries	3		R3	R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7		
Linen supply establishments	16	C												C8	M1 M2 M3
Linoleum															
Manufacture	18														M3
Stores (See carpet stores)															
Liquor stores, package	6	B						C1 C2		C4	C5	C6	C7	C8	M1 M2 M3
Loan offices	6	C						C1 C2		C4	C5	C6	C7	C8	M1 M2 M3
Locksmith shops	6	E						C1 C2		C4	C5	C6	C7	C8	M1 M2 M3
Lots (See parking lots, commercial)															
Luggage															
Manufacture	17														M1 M2 M3
Stores	6	B						C1 C2		C4	C5	C6	C7	C8	M1 M2 M3
Lumber															
Processing or woodworking, bulk	18														M3
Sales															
Limited as to lot area (See building materials sales)															
Unlimited	18														M3
Yards															
Limited as to lot area	17														M1 M2 M3
Unlimited	18														M3
Machine															
Shops including tool, die or pattern making	16	C												C8	M1 M2 M3
Tools manufacture	17														M1 M2 M3

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted															
			R3															
			R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3			
Machinery																		
Manufacture or repair																M3		
Heavy	18																	
Miscellaneous, or electrical equipment	17												M1	M2	M3			
Rental or sales establishments	16	C											C8	M1	M2	M3		
Repair shops	16	C											C8	M1	M2	M3		
Machines, business (See business machines)																		
Manure storage	18															M3		
Markets																		
Retail, including meat	6	A				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3		
Wholesale, produce or meat	17														M1	M2	M3	
Masseurs	9	C				C2			C4	C5	C6	C7	C8	M1	M2	M3		
Matches manufacture	18															M3		
Mattress manufacture, rebuilding, or renovating	17														M1	M2	M3	
Meat																		
Markets																		
Retail	6	A				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3		
Wholesale	17														M1	M2	M3	
Slaughtering or preparation for packing	18															M3		
Medical																		
Appliances																		
Custom manufacture	11	G									C5	C6		C8	M1	M2	M3	
Manufacture	17														M1	M2	M3	
Stores	6	B				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3		
Instruments, manufacture	11	G									C5	C6		C8	M1	M2	M3	
Laboratories (See laboratories, medical)																		
Offices or group medical centers	4							R3 R1 to R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1
Meeting halls	6	D				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3		
Metals manufacture																		
Alloys or foil, miscellaneous	18															M3		
Casting or foundry products, heavy	18															M3		
Finishing, plating, grinding, sharpening, polishing, cleaning, rust-proofing, heat treatment, or similar processes	17														M1	M2	M3	
Ores reduction or refining	18															M3		
Products treatment or processing	18															M3		
Reduction, refining, smelting, or alloying	18															M3		
Stamping or extrusion	17														M1	M2	M3	
Treatment or processing	18															M3		
Millinery shops	6	B				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3		
Mining machinery manufacture, including repairs	18															M3		

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted																			
			R1 to R2	R3	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3							
Mirror silvering shops	16	C												C8	M1	M2	M3					
Monasteries	3			R3 R1 to R2																		
Monument																						
Sales establishments, with incidental processing to order	7	C					C2						C6	C7	C8	M1	M2	M3				
Works, with no limitations on processing	18																	M3				
Motels	7	G					C2						C6	C7	C8	M1	M2	M3				
Motion picture production	17																	M1	M2	M3		
Motor cycles																						
Manufacture	17																	M1	M2	M3		
Repairs, body	17																	M1	M2	M3		
Repairs, except body repairs	16	C																C8	M1	M2	M3	
Sales, open or enclosed	16	C																C8	M1	M2	M3	
Showrooms, with no repair services	9	C						C2			C4	C5	C6	C7	C8	M1	M2	M3				
Motor freight stations (See trucking terminals)																						
Motor vehicles, dead storage	16																	C8	M1	M2	M3	
Moving or storage offices																						
Limited as to storage	7	C						C2						C6	C7	C8	M1	M2	M3			
Unlimited	16																	C8	M1	M2	M3	
Museums	3			R3 R1 to R2																		
Music stores	6	B						C1	C2			C4	C5	C6	C7	C8	M1	M2	M3			
Musical instruments																						
Manufacture																						
Excluding pianos and organs	11	C												C5	C6			C8	M1	M2	M3	
Including pianos or organs	17																		M1	M2	M3	
Repair shops	8	C							C2			C4		C6	C7	C8	M1	M2	M3			
Newspaper publishing	17																		M1	M2	M3	
Newsstands, open or enclosed	6	B							C1	C2			C4	C5	C6	C7	C8	M1	M2	M3		
Novelty products manufacture	17																		M1	M2	M3	
Nurseries (See agriculture)																						
Nursing homes	3			R3 R1 to R2																		
Oakum products manufacture	17																		M1	M2	M3	
Office equipment or machinery repair shops	16	C																	C8	M1	M2	M3
Office or business machine stores, sales or rental	10	C												C4	C5	C6	C7	C8	M1	M2	M3	
Offices																						
Business, professional, or governmental	6	C							C1	C2			C4	C5	C6	C7	C8	M1	M2	M3		
Dental, medical, or osteopathic	4			R3 R1 to R2																		
Wholesale, with storage restricted to samples	10	C													C4	C5	C6	C7	C8	M1	M2	M3

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted												
			R3 R1 to												
			R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3
Oil cloth manufacture	18														M3
Oil sales, open or enclosed															
<u>Limited as to lot area</u>	16	C											C8	M1	M2 M3
Unlimited (See petroleum or petroleum products storage)															
Optical															
Equipment manufacture	17													M1	M2 M3
Goods manufacture	11	G								C5	C6		C8	M1	M2 M3
Optician or optometrist establishments	6	B						C1	C2		C4	C5	C6	C7	C8 M1 M2 M3
Orthopedic															
Appliances															
Custom manufacture	11	G									C5	C6		C8	M1 M2 M3
Manufacture	17														M1 M2 M3
Stores	6	B						C1	C2		C4	C5	C6	C7	C8 M1 M2 M3
Instruments, manufacture	11	G									C5	C6		C8	M1 M2 M3
Osteopathic offices	4														
Packing or crating establishments	16	C												C8	M1 M2 M3
Packing materials manufacture	18														M3
Paint															
Manufacture	18														M3
Stores	6	B						C1	C2		C4	C5	C6	C7	C8 M1 M2 M3
Painting contractors (See contractors' establishments)															
Paper															
Mills (See wood pulp or fiber)															
Products manufacture	17														M1 M2 M3
Paper-hanging contractors (See contractors' establishments)															
Parish houses	4														
Parks, public or private	4														
Parking garages, commercial															
Capacity limited to 100 spaces															
Capacity of less than 150 spaces	9														
Capacity of 150 spaces or more															
Parking lots, commercial															
Capacity limited to 100 spaces															
Capacity of less than 150 spaces	8														
Capacity of 150 spaces or more															
Pawn shops	8	C													
Peat storage	18														M3
Penny arcades	15	F												C7	M2 M3

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted												
			R3	R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1 M2 M3
Perfume or perfumed soaps, compounding only, not including soap manufacture	17														M1 M2 M3
Pet shops	6	B								C1 C2	C4 C5 C6 C7 C8				M1 M2 M3
Petroleum or petroleum products															
Refining	18														M3
Storage	18														M3
Pharmaceutical products manufacture	17														M1 M2 M3
Photographic															
Developing or printing establishments															
Retail	6	B								C1 C2	C4 C5 C6 C7 C8				M1 M2 M3
Wholesale															
Limited as to floor area	9	C								C2	C4 C5 C6 C7 C8				M1 M2 M3
Unlimited	16	C													C8 M1 M2 M3
Equipment															
Manufacture (except film)	17														M1 M2 M3
Stores	6	B								C1 C2	C4 C5 C6 C7 C8				M1 M2 M3
Studios	6	B								C1 C2	C4 C5 C6 C7 C8				M1 M2 M3
Supply stores	6	B								C1 C2	C4 C5 C6 C7 C8				M1 M2 M3
Photostating establishments	9	C								C2	C4 C5 C6 C7 C8				M1 M2 M3
Physical culture establishments	9	C								C2	C4 C5 C6 C7 C8				M1 M2 M3
Picture framing stores	6	B								C1 C2	C4 C5 C6 C7 C8				M1 M2 M3
Plastics															
Products manufacture	17														M1 M2 M3
Raw, manufacture	18														M3
Playgrounds	4														
Plumbing															
Contractors (See contractors' establishments)															
Equipment manufacture (See tools or hardware manufacture)															
Showrooms, without repair facilities	9	C								C2	C4 C5 C6 C7 C8				M1 M2 M3
Podiatrist offices	6	B								C1 C2	C4 C5 C6 C7 C8				M1 M2 M3
Police stations	6	C													
Pool halls	8	D								C2	C4	C6 C7 C8			M1 M2 M3
Porcelain products manufacture	18														M3
Post offices	6	B								C1 C2	C4 C5 C6 C7 C8				M1 M2 M3
Poultry															
Killing establishments, for retail sales on the same zoning lot only	16	C													C8 M1 M2 M3
Packing or slaughtering	17														M1 M2 M3

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted												
			R3	R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1 M2 M3
Precision instruments manufacture															
Optical equipment, clocks, or similar products	17														M1 M2 M3
Medical, dental, or drafting instruments, optical goods, or similar products	11	G										C5 C6		C8 M1 M2 M3	
Printing															
Limited as to <u>floor area</u>	9	C								C2		C4 C5 C6 C7 C8		M1 M2 M3	
Unlimited	17														M1 M2 M3
Prisons	8											C2 C4 C6 C7 C8		M1 M2 M3	
Produce or meat markets, wholesale	17														M1 M2 M3
Public auction rooms	9	D										C2 C4 C5 C6 C7 C8		M1 M2 M3	
Pumping stations, water or sewage	6	C													
Rabbit															
Killing establishments, for retail sales on the same <u>zoning lot</u> only	16	C													C8 M1 M2 M3
Packing or slaughtering	17														M1 M2 M3
Racetracks															C8 M1 M2 M3
Radio															
Appliance repair shops	8	C										C2 C4 C6 C7 C8		M1 M2 M3	
Stores	6	B										C1 C2 C4 C5 C6 C7 C8		M1 M2 M3	
Studios	10	E										C4 C5 C6 C7 C8		M1 M2 M3	
Towers												C1 C2 C3 C4 C5 C6 C7 C8		M1 M2 M3	
Radioactive waste handling	18														M3
Railroad															
Equipment manufacture, including railroad cars or locomotives	18														M3
Passenger stations															
Rights-of-way	4														
Railroads, including rights-of-way, freight terminals, yards or appurtenances, or facilities or services used or required in railroad operations, but not including passenger stations	17														M1 M2 M3
Record stores	6	B										C1 C2 C4 C5 C6 C7 C8		M1 M2 M3	
Recreation centers, non-commercial	4														
Rectories	4														
Reducing salons	9	C										C2 C4 C5 C6 C7 C8		M1 M2 M3	
Refreshment stands, drive-in	7	B										C2 C6 C7 C8		M1 M2 M3	
Refrigerating plants	18														M3
Religious or church art goods manufacture	17														M1 M2 M3

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted																		
			R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3							
Residences			R3																		
Single-family detached	1		R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7											
All other	2		R3 to R9	C1	C2	C3	C4	C5	C6	C7											
Rest homes	3		R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7											
Riding academies, open or enclosed	16	C									C8	M1	M2	M3							
Roofing contractors (See contractors' establishments)																					
Rooming houses	2		R3 to R9	C1	C2	C3	C4	C5	C6	C7											
Rubber																					
Processing or manufacture, natural or synthetic	18													M3							
Products manufacture (excluding all rubber or synthetic processing)	17												M1	M2	M3						
Rug stores (See carpet stores)																					
Salvage storage	18													M3							
Sand pits			* * R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3							
Sanitariums	3		R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7											
Sawmills	18													M3							
Scenery construction	17												M1	M2	M3						
Schools																					
All schools, except trade schools for adults	3		R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7											
With no residential accommodations			R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7	C8	M1									
Trade or other schools for adults, limited as to objectionable effects	9	C									C2	C4	C5	C6	C7	C8	M1	M2	M3		
Trade schools for adults, unlimited	16	C															C8	M1	M2	M3	
Scrap metal, paper, or rags storage	18																		M3		
Seed stores	6	B									C1	C2	C4	C5	C6	C7	C8	M1	M2	M3	
Settlement houses	4		R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7	C8	M1									
Sewage																					
Disposal plants	18																		M3		
Pumping stations	6	C	* * R3 R1 to R2 R9	C1	C2						C4	C5	C6	C7	C8	M1	M2	M3			
Sewing machine stores, selling household machines only	6	B									C1	C2	C4	C5	C6	C7	C8	M1	M2	M3	
Ship building or ship repair yards, for ships 100 feet in length or over	18																		M3		
Shipping, waterfront	17																		M1	M2	M3
Shoddy manufacture	17																		M1	M2	M3

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted														
			R3 R1 to R2 R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3			
Shoes																	
<u>Manufacture</u>	17															M1 M2 M3	
Repair shops	6	B			C1 C2			C4 C5 C6 C7	C8		M1 M2 M3						
Stores	6	B			C1 C2			C4 C5 C6 C7	C8		M1 M2 M3						
Sign painting shops																	
<u>Limited as to floor area</u>	7	C			C2				C6 C7 C8		M1 M2 M3						
Unlimited	16	C									C8	M1 M2 M3					
Silver plating shops, custom, including repair	16	C									C8	M1 M2 M3					
Silverware manufacture, plate or sterling	17											M1 M2 M3					
Sisal products manufacture	17											M1 M2 M3					
Size manufacture	18															M3	
Skating rinks																	
Indoor	12	D							C4		C6 C7 C8	M1 M2 M3					
Outdoor ice	4		R3 R1 to R2 R9	C1 C2 C3 C4 C5 C6 C7 C8	M1												
Slag piles	18															M3	
Slaughtering of animals or poultry	18															M3	
Soap or detergents																	
Manufacture, including fat rendering	18															M3	
Packaging only	17															M1 M2 M3	
Soldering shops	16	C									C8	M1 M2 M3					
Solvent extracting	18															M3	
Sorority houses	3		R3 R1 to R2 R9	C1 C2 C3 C4 C5 C6 C7													
Sporting equipment manufacture	17															M1 M2 M3	
Sporting goods stores	6	B			C1 C2			C4 C5 C6 C7	C8		M1 M2 M3						
Stables for horses	16	C									C8	M1 M2 M3					
Stadiums																	
<u>Limited as to capacity</u>	12	E						C4		C6 C7 C8	M1 M2 M3						
Unlimited		E						C4*		C6* C7* C8*	M1* M2* M3*						
Stamp stores	6	B			C1 C2			C4 C5 C6 C7	C8		M1 M2 M3						
Stationary stores	6	B			C1 C2			C4 C5 C6 C7	C8		M1 M2 M3						
Statuary, mannequins, figurines, religious or church art goods manufacture, excluding foundry operations	17											M1 M2 M3					
Steel products																	
Miscellaneous fabrication or assembly	17															M1 M2 M3	
Structural products manufacture	18															M3	
Stock yards or slaughtering of animals or poultry	18															M3	
Stone processing or stone products	18															M3	
Storage																	
Wholesale	16															C8 M1 M2 M3	
Offices (See moving or storage offices)																	

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Use	Use Group	Parking Requirement Category	Districts in Which Permitted																		
			R3																		
			R1 to																		
			R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3						
Studios																					
Music, dancing, or theatrical	6	C				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3					
Radio or television	10	E							C4	C5	C6	C7	C8	M1	M2	M3					
Sugar refining	18															M3					
Swimming pools, commercial	13	F					*	C3				C7	C8	M1	M2	M3					
Table tennis halls	12	D							C4		C6	C7	C8	M1	M2	M3					
Tailor shops, custom, including repairs	6	B				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3					
Tanning (See leather or fur)																					
Tapestries manufacture	11	G								C5	C6		C8	M1	M2	M3					
Tar products manufacture	18															M3					
Taxidermist shops	7	C				C2				C6	C7	C8	M1	M2	M3						
Telegraph offices	6	B				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3					
Telephone exchanges	6	C				* R3 R1 to	R2	R9	C1	C2		C4	C5	C6	C7	C8	M1	M2	M3		
Television																					
Repair shops	8	C				C2			C4		C6	C7	C8	M1	M2	M3					
Stores	6	B				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3					
Studios	10	E							C4	C5	C6	C7	C8	M1	M2	M3					
Towers						* R3 R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3		
Tennis courts, outdoor	4					R3 R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1				
Textiles																					
Bleaching	18																	M3			
Products manufacture	17																M1	M2	M3		
Spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread, or cordage	17																M1	M2	M3		
Theaters																					
Limited capacity		E				C1	C2		C4		C6	C7	C8	M1	M2	M3					
Unlimited capacity	8	E				C2			C4		C6	C7	C8	M1	M2	M3					
Theaters, drive-in																	C7	C8	M1	M2	M3
Tile manufacture	18																		M3		
Tire sales establishments	7	C				C2				C6	C7	C8	M1	M2	M3						
Tobacco																					
Curing or manufacture, or tobacco products manufacture	17																	M1	M2	M3	
Stores	6	B				C1	C2		C4	C5	C6	C7	C8	M1	M2	M3					
Toiletries manufacture, not including soap manufacture	17																	M1	M2	M3	
Tool or hardware manufacture	17																	M1	M2	M3	
Topsoil storage	18																			M3	

Underlined words in text are defined in Section 12-10.

Use	Use Group	Parking Requirement Category	Districts in Which Permitted																									
			R1 to R3			C1	C2	C3	C4	C5	C6	C7	C8	M1	M2	M3												
Tourist cabins	7	G					C2					C6	C7	C8	M1	M2	M3											
Towel supply establishments	16	C													C8	M1	M2	M3										
Toys																												
Manufacture	17															M1	M2	M3										
Stores	6	B					C1	C2			C4	C5	C6	C7	C8	M1	M2	M3										
Trade or other schools for adults																												
Limited as to objectionable effects	9	C						C2			C4	C5	C6	C7	C8	M1	M2	M3										
Unlimited	16	C														C8	M1	M2	M3									
Trade expositions																												
Limited as to <u>legal capacity</u>	12	E									C4			C6	C7	C8	M1	M2	M3									
Unlimited		E									C4*			C6*	C7*	C8*	M1*	M2*	M3*									
Trailer																												
Camps	7										C2				C6	C7	C8	M1	M2	M3								
Manufacture, including parts	17																	M1	M2	M3								
Repairs, body	17																	M1	M2	M3								
Sales, open or enclosed	16	C																C8	M1	M2	M3							
Showrooms, with no repair services	9	C									C2			C4	C5	C6	C7	C8	M1	M2	M3							
Truck gardens (See agriculture)																												
Trucking terminals or motor freight stations																												
Limited as to <u>lot area</u>	16	G																C8	M1	M2	M3							
Unlimited	17	G																C8*	M1	M2	M3							
Truck																												
Manufacture (including parts) or engine rebuilding	17																		M1	M2	M3							
Repairs, body	17																		M1	M2	M3							
Repairs, except body repairs	16	C																	C8	M1	M2	M3						
Sales, open or enclosed	16	C																	C8	M1	M2	M3						
Showrooms, with no repair services	9	C												C2		C4	C5	C6	C7	C8	M1	M2	M3					
Turpentine manufacture	18																					M3						
Typewriter sales stores, with incidental repairs	6	B												C1	C2			C4	C5	C6	C7	C8	M1	M2	M3			
Typewriters or other small business machine repair shops	8	C													C2			C4			C6	C7	C8	M1	M2	M3		
Umbrellas																												
Manufacture	17																						M1	M2	M3			
Repair shops	9	C													C2			C4	C5	C6	C7	C8	M1	M2	M3			
Undertakers	7	G													C2						C6	C7	C8	M1	M2	M3		
Upholstering																												
Bulk, excluding shops dealing directly with consumers	17																							M1	M2	M3		
Shops dealing directly with consumers	8	C														C2			C4			C6	C7	C8	M1	M2	M3	
Variety stores																												
Limited as to <u>floor area</u>	6	B													C1	C2			C4	C5	C6	C7	C8	M1	M2	M3		
Unlimited	10	B																			C4	C5	C6	C7	C8	M1	M2	M3
Varnish manufacture	18																								M3			

Underlined words in text are defined in Section 12-10.

Use	Use Group	Parking Requirement Category	Districts in Which Permitted												
			R3	R1 to	R2	R9	C1	C2	C3	C4	C5	C6	C7	C8	M1 M2 M3
Vehicles															
Dead storage of motor	16													C8 M1 M2 M3	
Manufacture, children's	17													M1 M2 M3	
Storage, commercial or public utility, open or enclosed	16	C												C8 M1 M2 M3	
Venetian blinds															
Custom shops, including repairs, limited as to floor area	7	C						C2				C6 C7 C8		M1 M2 M3	
Manufacture, with no limitation on production or on floor area	17													M1 M2 M3	
Ventilating contractors (See contractors' establishments)															
Ventilating equipment showrooms, without repair facilities	9	C						C2		C4 C5 C6 C7		C8 M1 M2 M3			
Wallpaper stores	6	B						C1 C2		C4 C5 C6 C7		C8 M1 M2 M3			
Warehouses	16	G												C8 M1 M2 M3	
Watch or clock stores or repair shops	6	B						C1 C2		C4 C5 C6 C7		C8 M1 M2 M3			
Watch making	11	G									C5 C6			C8 M1 M2 M3	
Waterfront shipping	17													M1 M2 M3	
Water pumping stations	6	C	* R3 * R1 to R2 R9					C1 C2		C4 C5 C6 C7		C8 M1 M2 M3			
Wax products manufacture	17													M1 M2 M3	
Weaving, hand	11	G									C5 C6			C8 M1 M2 M3	
Wedding chapels	9	D						C2		C4 C5 C6 C7		C8 M1 M2 M3			
Welding shops	16	C												C8 M1 M2 M3	
Welfare centers	4		R3 R1 to R2 R9					C1 C2 C3 C4 C5 C6 C7 C8 M1							
Wholesale establishments															
Accessory storage limited to 1,500 sq. ft.	7	C						C2			C5 C6 C7			C8 M1 M2 M3	
Accessory storage limited to 2,500 sq. ft.	11	C									C5 C6			C8 M1 M2 M3	
Unlimited accessory storage	16	C												C8 M1 M2 M3	
Wholesale offices or showrooms, with storage restricted to samples	10	C									C4 C5 C6 C7			C8 M1 M2 M3	
Window shades															
Custom shops, including repair, limited as to floor area	7	C						C2				C6 C7 C8		M1 M2 M3	
Manufacture, without limitation on production or on floor area	17													M1 M2 M3	
Wood															
Bulk processing or woodworking	18														M3
Distillation	18														M3
Products manufacture	17													M1 M2 M3	
Pulp or fiber, reduction or processing, including paper mill operations	18														M3
Sales, open or enclosed	16	C												C8 M1 M2 M3	
Limited as to lot area															
Unlimited (See lumber yards)														C8 M1 M2 M3	
Woodworking shops, custom	16	C													
Wool scouring or pulling	18														M3

Underlined words in text are defined in Section 12-10.

Appendix B-1

Excerpt from Section 12-29 of the
Industrial Code Rule No. 12, Relating
to Control of Air Contaminants^{1/}

(Section 42-253 of the resolution limits allowable concentrations on or
beyond any lot line, in all Manufacturing Districts, to one-tenth the
amounts set forth in the following table.)

MAXIMUM ALLOWABLE CONCENTRATIONS - EVIDENCE OF DANGEROUS AIR CONTAMINANTS

Gases and Vapors

<u>A.</u> <u>Substance</u>	<u>Parts</u> <u>per</u> <u>million</u>	<u>A.</u> <u>Substance</u>	<u>Parts</u> <u>per</u> <u>million</u>
Acetaldehyde	200	Ethyl acetate	400
Acetic Acid	10	Ethyl alcohol (ethanol)	1000
Acetic anhydride	5	Ethylamine	25
Acetone	1000	Ethyl benzene	200
Acrolain	0.5	Ethyl bromide	200
Acrylonitrile	20	Ethyl chloride	1000
Allyl Alcohol	5	Ethyl ether	400
Allyl propyl disulfide	2	Ethyl formate	100
Ammonia	100	Ethyl mercaptan	250
Amyl acetate	200	Ethyl silicate	100
Amyl alcohol (isoamyl alcohol)	100	Ethylene chlorohydrin	5
Aniline	5	Ethylene diamine	10
Arsine	0.05	Ethylene dibromide	25
		Ethylene dichloride	100
Benzene (Benzol)	35	Ethylene imine	5
Benzyl chloride	1	Ethylene oxide	100
Bromine	1		
Butadiene	1000	Fluorine	0.1
Butanone (methyl ethyl ketone)	250	Fluorotrichloromethane	1000
Butylacetate	200	Formaldehyde	5
Butyl alcohol	100	Furfural	5
Butyl amine	5	Furfuryl alcohol	200
Butyl cellosolve	200		
Butyl mercaptan	10	Gasoline	500
Carbon dioxide	5000	Heptane	500
Carbon disulfide	20	Hexane	500
Carbon monoxide	100	Hexanone	100
Carbon tetrachloride	25	Hexone	100
Cellosolve	200	Hydrazine	1
Cellosolve acetate	100	Hydrogen bromide	5
Chlorine	1	Hydrogen chloride	5
Chlorine trifluoride	0.1	Hydrogen cyanide	10
Chlorohenzend (monochlorobenzene)	75	Hydrogen fluoride	3
Chloroform	100	Hydrogen peroxide	1
1-chloro-1-nitropropane	20	Hydrogen selenide	0.05
Chloroprene	25	Hydrogen sulfide	20
Cresol (all isomers)	5		
Cyclohexane	400	Iodine	1
Cyclohexanol	100	Isopherone	25
Cyclohexanone	100	Isopropylamine	5
Cyclohexene	400		
Cyclopropane	400	Mesityl oxide	50
		Methyl acetate	200
Diacetone alcohol	50	Methyl acetylene	1000
Diborane	0.1	Methyl alcohol	200
o-Dichlorobenzene	50	Methyl bromide	20
Dichlorodifluoromethane	1000	Methyl cellosolve	25
1, 1-Dichloroethane	100	Methyl cellosolve acetate	25
1, 2-Dichloroethylene	200	Methyl chloride	100
Dichloroethyl ether	15	Methyl isobutyl carbinol	
Dichloromonofluoromethane	1000	(methyl amyl alcohol)	25
1, 1-Dichloro -1- nitroethans	10	Methyl mercaptan	50
Dichlorotetrafluoroethane	1000	Methylal (dimethoxymethane)	1000
Difluorodibromoethane	100	Methyl chloroform	500
Diethylamine	25	Methylcyclohexane	500
Diisobutyl ketone	50	Methylcyclohexanol	100
Dimethylaniline	5	Methylcyclohexanone	100
Dimethylsulfate	1	Methyl formate	100
Dioxan (diethylene dioxide)	100	Methylene chloride	500

^{1/} Adopted by the Board of Standards and Appeals of the New York State Department of Labor on June 21, 1956, effective October 1, 1956.

MAXIMUM ALLOWABLE CONCENTRATIONS -
EVIDENCE OF DANGEROUS AIR CONTAMINANTS
(continued)

APPENDIX B-1

Gases and Vapors. (continued)

A. Substance	Perts per million	A. Substance	Parts per million
Naptha (coal tar)	200	Propylene imine	25
Naptha (petroleum)	500	Pyridine	10
Nickel carbonyl	0.001		
p-Nitroaniline	1	Quinone	0.1
Nitrobenzene	1		
Nitroethans	100	Stibine	0.1
Nitrogen dioxide	5	Stoddard solvent	500
Nitroglycerin	0.5	Styrene monomer (phenyl ethylene)	200
Nitromethane	100	Sulfur hexafluoride	1000
2-Nitropropane	50	Sulfur monochloride	1
Nitrotoluene	5	Sulfur dioxide	10
		Sulfur pentafluoride	0.025
Octane	500	p-Tertiary butyl toluene	10
Ozone	0.1	1, 1, 2, 2-Tetrachloroethane	5
Pentane	1000		
Pentanone	200	Tetra hydrofuran	75
Perchlomethyl mercaptan	0.1	Tetranitromethane	1
Perchloroethylene		Toluene	200
Phenol	5	o-Toluidine	5
Phenylhydrazene	5	Trichloroethylene	200
Phosgene (carbonyl chloride)	1	Trifluoromonoehromo methane	1000
Phosphine	0.05	Turpentine	100
Phosphorus trichloride	0.5		
Propyl acetate	200	Vinyl chloride (chloroethane)	500
Propyl alcohol (isopropyl alcohol)	400		
Propyl ether (isopropyl ether)	500		
Propylene dichloride	75	Xylene	200

Toxic Dusts, Fumes, and Mists

B. Substance	Milligrams per cubic meter	B. Substance	Milligrams per cubic meter
		Manganese	6
Aldrin	0.25	Methoxychlor	15
Ammate	15	Mercury	0.1
Antimony	0.5	Molybdenum (soluble compounds)	5
Arsenic	0.5	Molybdenum (insoluble compounds)	15
Berium (Soluble compounds)	0.5	Organo mercurials (as mercury)	0.01
Cadmium	0.1	Parathion	0.1
Calcium arsenate	0.3	Pentachloronaphthalene	0.5
Chlordane	2.0	Pentachlorophenol	0.5
Chlorinated diphenyl oxide	0.5	Phosphorus (yellow)	0.1
Chlorodiphenyl	1	Phosphorus pentachloride	1
Chromic acid and chromates as		Phosphorus pentasulfide	0.1
Cr O ₃	0.1	Picric acid	
Crag Herbicide	15		
Cyanide as C N	5	Selenium compounds (as Se)	0.1
2, 4-D (2, 4-dichlorophenoxy- acetic acid)	10	Sodium hydroxide	2
		Sulfuric acid	1
DDt (2, 2- bis- (p-chloro- phenyl)-1, 1, 1-trichlorethane	2		
Dieldrin	0.25	TEDP (tetraethyl dithiono pyrophosphate)	0.2
Dinitrotoluene	1.5	Tellurium	0.1
Dinitro-o-cresol	0.2	TEPP (tetraethyl pyrophosphate)	0.05
		Tetryl (2, 4, 6-trinitorphenyl- methylnitramine)	1.5
EPN (ethyl-p-nitrophenyl thi- ene benzene phosphonate)	0.5	Titanium dioxide	15
		Trichloronaphthalene	5
Ferro vanadium dust	1	Trinitrotoluene	1.5
Fluoride	2.5		
Hydroquinone	2	Uranium (soluble compounds)	0.05
		Uranium (insoluble compounds)	0.25
Iron oxide fume	15		
Lead	0.15	Vanadium (V ₂ O ₅ dust)	0.5
Lead arsenate	0.2	Vanadium (V ₂ O ₅ fume)	0.1
Lindane	0.5		
Magnesium oxide fume	15	Zinc oxide (as Zn)	15
Malathon	15	Zirconium	5

MAXIMUM ALLOWABLE CONCENTRATIONS -
EVIDENCE OF DANGEROUS AIR CONTAMINANTS
(continued)

<u>Mineral Dusts</u>			
<u>C.</u> <u>Substance</u>	Million Particles per Cubic Foot	<u>C.</u> <u>Substance</u>	Million Particles per Cubic Foot
Alundum	50	Silica: Class I (below 5% free Si O ₂)	50
Asbestos	5	Class II (5% to 50% free Si O ₂)	20
Carborundum (silicon carbide)	50	Class III (above 50% free Si O ₂)	5
Dust (nuisance, no free silica)	50	Slate (below 5% free Si O ₂)	50
Mica (below 5% free Si O ₂)	20	Serpentine (below 5% free Si O ₂)	20
Portland Cement	50		
Talc	20	Total dust (below 5% free Si O ₂)	50

Appendix B-2

Excerpt from Section 38-6 of the
Industrial Code Rule No. 12, Relating
to Radiation Protection^{1/}

(Section 42-262 of the resolution limits average concentrations on or
beyond any lot line, in all Manufacturing Districts, to one-thirtieth
the amounts set forth in the following table.)

TABLE I
MAXIMUM PERMISSIBLE AVERAGE
CONCENTRATIONS OF INHALED RADIOACTIVE MATERIALS

Material	(Microcuries per milliliter of air)	Material	(Microcuries per milliliter of air)
A 41	1.6×10^{-6}	Lu 177	1.5×10^{-5}
Ag 105	3.6×10^{-5}	Mn 56	8×10^{-6}
Ag 111	1×10^{-4}	Mo 99	5×10^{-3}
Am 241	8×10^{-11}	Na 24	5×10^{-6}
As 76	7×10^{-6}	Nb 95	1.3×10^{-6}
At 211	9×10^{-10}	Ni 59	5×10^{-5}
Au 198	3.4×10^{-7}	P 32	4×10^{-7}
Au 199	8×10^{-7}	Pb 203	2×10^{-5}
Ba 140 140 La	2×10^{-7}	Pd 103 103 Rh	2×10^{-6}
Be 7	1.3×10^{-5}	Pm 147	6×10^{-7}
C 14	1.4×10^{-6}	Po 210 (sol.)	6×10^{-10}
Ca 45	9×10^{-8}	Po 210 (insol.)	2×10^{-10}
Cd 109 109 Ag	2×10^{-7}	Pr 143	2.3×10^{-6}
Ce 144 144 Pr	2×10^{-8}	Pu 239 (sol.)	6×10^{-12}
Cl 36	1×10^{-6}	Pu 239 (insol.)	6×10^{-12}
Cm 242	5×10^{-10}	Ra 226 $\frac{1}{2}$ dr.	2.4×10^{-11}
Co 60	3.4×10^{-6}	Rb 86	1.1×10^{-6}
Cr 51	2.4×10^{-5}	Re 183	2.4×10^{-5}
Cs 137 137 Ba	6×10^{-7}	Rh 105	3×10^{-6}
Cu 64	2×10^{-5}	Rn 222 dr.	1×10^{-7}
Eu 154	2×10^{-8}	Ru 106 106 Rh	8×10^{-8}
F 18	3.5×10^{-4}	S 35	3×10^{-6}
Fe 55	1.8×10^{-6}	Sc 46	2×10^{-7}
Fe 59	5×10^{-8}	Se 151	4×10^{-8}
Ga 72	1×10^{-5}	Sm 113	1.7×10^{-6}
Ge 71	1×10^{-4}	Sn 89	6×10^{-8}
H ³ or T (HTO or H ₂ O ³)	7×10^{-5}	Sr 90 90 Y	6×10^{-10}
Ho 166	1×10^{-5}	Tc 96	8×10^{-6}
I 131	9×10^{-9}	Te 127	3×10^{-7}
Ir 190	2.2×10^{-6}	Te 129	1.2×10^{-7}
Ir 192	1.5×10^{-7}	Th 234	2×10^{-6}
K 42	6×10^{-6}	Tm 170	1.5×10^{-7}
La 140	4×10^{-6}	U-natural (sol.)	5×10^{-11}

^{1/} Adopted by the Board of Standards and Appeals of the New York State Department of Labor
on October 10, 1955, effective December 15, 1955.

MAXIMUM PERMISSIBLE AVERAGE
CONCENTRATIONS OF INHALED RADIOACTIVE MATERIALS
(continued)

<u>Material</u>	(Microcuries per milliliter of air)	<u>Material</u>	(Microcuries per milliliter of air)
U-natural (insol.)	5×10^{-11}	Y 91	1.2×10^{-7}
U ²³³ (sol.)	4×10^{-10}	Zn 65	6×10^{-6}
U ²³³ (insol.)	5×10^{-11}	All other beta or gamma emitters	3×10^{-9}
V 48	3×10^{-6}	All other alpha emitters	1.5×10^{-11}
Xe ¹³³	1.3×10^{-5}		
Xe ¹³⁵	5×10^{-6}		

Appendix B-3

Excerpt from Section 38-2 of the
Industrial Code Rule No. 38, Relating
to Radiation Protection^{1/}

(Section 42-264 of the resolution limits quantities of unsealed radio-
active materials which may be manufactured, utilized, or stored in
M1 Districts to the amounts set forth in the following table, and in
M2 Districts to ten times the amounts set forth in the following table.)

QUANTITIES OF RADIOACTIVE MATERIAL

<u>Material</u>	<u>Unsealed (microcuries)</u>	<u>Material</u>	<u>Unsealed (microcuries)</u>
Antimony 124 (Sb 124)	1	Palladium 109 (Pd 109)	10
Arsenic 76 (As 76)	10	Palladium 103-Rhodium 103 (Pd Rh 103)	50
Arsenic 77 (As 77)	10	Phosphorus 32 (P 32)	10
Barium 140-Lanthanum 140 (Ba La 140)	1	Polonium 210 (Po 210)	0.1
Beryllium (Be 7)	50	Potassium 42 (K 42)	10
Cadmium 109-Silver 109 (Cd Ag 109)	10	Praseodymium 143 (Pr 143)	10
Calcium 45 (Ca 45)	10	Promethium 147 (Pm 147)	10
Carbon 14 (C 14)	50	Radium 226 (Ra 226)	1
Cerium 144-Praseodymium 144 (Ce Pr 144)	1	Rhenium 186 (Re 186)	10
Cesium 137-Barium 137 (Cs Ba 137)	1	Rhodium 105 (Rh 105)	10
Chlorine 36 (Cl 36)	1	Rubidium 86 (Rb 86)	10
Chromium 51 (Ch 51)	50	Ruthenium 106-Rhodium 106 (Ru Rh 106)	1
Cobalt 60 (Co 60)	1	Samarium 153 (Sm 153)	10
Copper 64 (Cu 64)	50	Scandium 46 (Sc 46)	1
Europium 154 (Eu 154)	1	Silver 105 (Ag 105)	1
Fluorine 18 (F 18)	50	Silver 111 (Ag 111)	10
Gallium 72 (Ga 72)	10	Sodium 22 (Na 22)	10
Germanium 71 (Ge 71)	50	Sodium 24 (Na 24)	10
Gold 198 (Au 198)	10	Strontium 89 (Sr 89)	1
Gold 199 (Au 199)	10	Strontium 90-Yttrium 90 (Sr Y 90)	0.1
Hydrogen 3 (Tritium) (H 3)	250	Sulfur 35 (S 35)	50
Indium 114 (In 114)	1	Tantalum 182 (Ta 182)	10
Iodine 131 (I 131)	10	Technetium 96 (Tc 96)	1
Iridium 192 (Ir 192)	10	Technetium 99 (Tc 99)	1
Iron 55 (Fe 55)	50	Tellurium 127 (Te 127)	10
Iron 59 (Fe 59)	1	Tellurium 129 (Te 129)	1
Lanthanum (La 140)	10	Thallium 204 (Tl 204)	50
Manganese 52 (Mn 52)	1	Tin 113 (Sn 113)	10
Manganese 56 (Mn 56)	50	Tungsten 181 (W 181)	10
Molybdenum 99 (Mo 99)	10	Tungsten 185 (W 185)	10
Nickel 59 (Ni 59)	1	Vanadium 48 (V 48)	1
Nickel 63 (Ni 63)	1	Yttrium 90 (Y 90)	1
Niobium 95 (Nb 95)	10	Yttrium 91 (Y 91)	1
		Zinc 65 (Zn 65)	10
		Natural Uranium	1,000
		Natural Thorium	1,000

^{1/} Adopted by the Board of Standards and Appeals of the New York State Department of Labor
on October 10, 1955, effective December 15, 1955.

PHOTOGRAPHS

All photographs courtesy of the Port of New York Authority, except:

Aerial view of five boroughs, Frontispiece, Fairchild Aerial Surveys
Lever House, p. 128, J. Alex Langley
Mixed land use, p. 271, New York City Police Department
Models, p. 51 and p. 129, Ira Wright Martin
Queensview, p. 44, United Housing Foundation
Queensview, p. 101, Thomas Airviews
Seagram Building, p. 128 and Barkin, Levin plant, p. 177,
Ezra Stoller



FLIGHT CLOSING 1945

ERRATA

p. 84. R8 District, 16, 18, and 20 or 21 stories should read:

Open Space Ratio	16 (143 feet)		18 (161 foot)		20 or 21 (178 feet)	
	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>B</u>
10	450		450		450	
11	485		485		485	
12	520		520		520	
13		520		540	555	
14		490		500		530
15		470		480		500
16		450		460		480

p. 112. Section 32-12. Use Group 3 is not permitted in C8 Districts.

p. 152. Maximum Floor Area Ratio for "Residences or residential portions of other buildings" in C1 and C2 Districts, when mapped in R7, R8, or R9 Districts, should read:

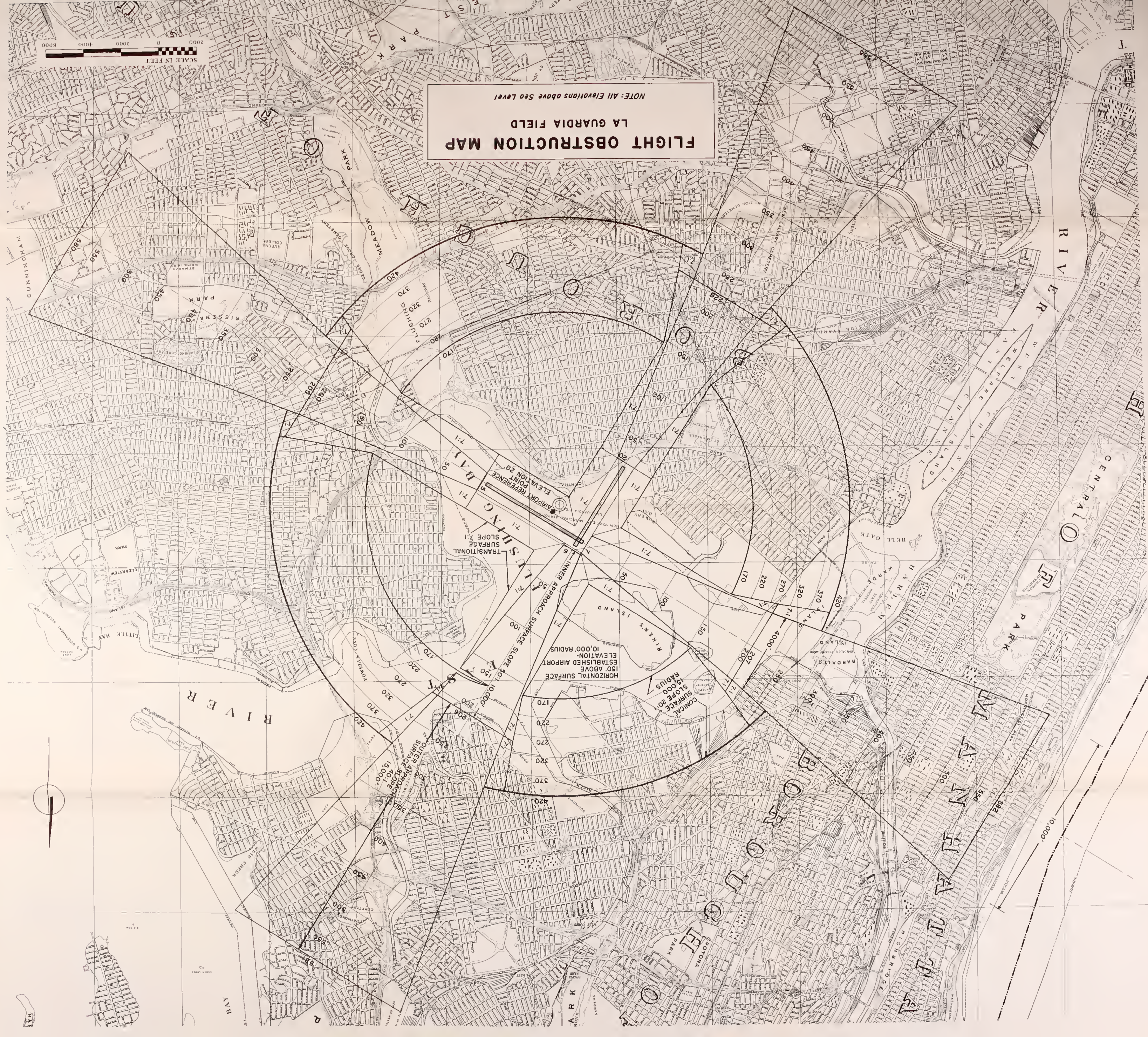
R7	280
R8	450
R9	1,000

ZONING

1. Report of the Heights of Buildings Commission. 12/23/13. 295 pp
(To a Committee of the Board of Estimate)
2. Development and Present Status of City Planning in New York City. 1914. 76 pp. Committee on the City Plan - Board of Estimate
3. New York City Building Zone Resolutions. 1920. 29 pp. George Ford
4. Zoning Practice in the New York Region. 1925. 47 pp. Regional Plan of New York
5. Report and Resolution of the City Planning Commission. 11/1/44. 33 pp (incl Dissent)
6. Zoning Resolution of the City of New York. 6/2/47. 39 pp.
7. Zoning in New York. 1948. 95 pp.
8. Plan for Rezoning the City of New York October 1950. 250 pp. Harrison Ballard and Allan
9. Critical Analysis of the Plan for Rezoning New York City (Harrison Ballard and Allan) circa 1951. 53 pp. Metro Association of Real Estate Boards. (very critical)
10. Zoning New York City 8/58. 376 pp. Vorhiis Walker, Smith & Smith
11. Preliminary Report by Civic Design Commission. 11/16/59. 57 pp. Architectural Council, New York Chapter AIA
12. The Politics of Zoning Stanislaw Makielski Jr. 1966 241 pp.
13. The Zoning Game Richard Babcock 1966 202 pp
14. Zoned American 1969 Seymour Toll 370 pp.

FLIGHT OBSTRUCTION MAP
LA GUARDIA FIELD

NOTE: All Elevations above Sea Level



FLIGHT OBSTRUCTION MAP
NEW YORK INTERNATIONAL AIRPORT
and
U.S. NAVAL AIR STATION
(FLOYD BENNETT FIELD)
NOTE: ALL ELEVATIONS ABOVE MEAN SEA LEVEL

